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PROCEEDINGS

U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
ARCHITECT & ENGINEERING SERVICES CONTRACT (RAC II)  
PREPROPOSAL CONFERENCE

Federal Building  
915 Second Avenue  
North Auditorium  
Seattle, Washington

21

22

23

DATE: October 9, 2002

24

REPORTED BY: Paula Somers, CSR

25

CSR NO.: SO-ME-RP-L535N2

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1 SEATTLE, WASHINGTON; WEDNESDAY, OCTOBER 9, 2002

2 9:10 A.M.

3

4 --oOo--

5

6 THE ASSEMBLY OF THE

7 PREPROPOSAL CONFERENCE, regarding Architect  
and

8 Engineering Services

9 Contract (RAC II),

10 convened, Mr. Larry

11 Kalwei, presiding:

12

13 \* \* \* \* \*

14

15

O\_P\_E\_N\_I\_N\_G\_\_C\_O\_M\_M\_E\_N\_T\_S\_/L\_A\_R\_R\_Y\_\_K\_A\_L\_W\_E\_I

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—

16 MR. KALWEI: I want to first welcome  
everybody

17 to Seattle to our first preproposal conference for the  
RAC

18 follow-on contract, which we're calling the AES Contract  
for  
19 the Superfund Region 10 Program. And I know many of you  
are  
20 interested because of the small business set-aside, and  
21 hopefully a lot of you are interested because the type of  
22 contract that we're proposing. And we're kind of new  
out of  
23 the hopper on this for Region 10 taking the lead, and  
we'll  
24 hear more about it in a little while.

25 I'm going to introduce the Assistant Regional

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1 Administrator for EPA Region 10.

2 MR. GEARHEARD: She just stepped out the  
door.

3 MR. KALWEI: She just stepped out.

4 (Discussion off the record.)

5 MR. KALWEI: Well, we'll just skip this and  
6 get her when she comes back and go to Mike. Mike  
Gearheard

7 is the Office Director for the Environmental Cleanup  
8 Superfund Office based here in Seattle, and he's going to  
9 talk a little bit about the forecast and anticipated  
budget.

10

11 \* \* \* \* \*

12 P\_R\_E\_S\_E\_N\_T\_A\_T\_I\_O\_N/\_M\_I\_K\_E\_\_G\_E\_A\_R\_H\_E\_A\_R\_D

-----

13 MR. GEARHEARD: Thank you, Larry.

14 My name is Mike Gearheard, and I don't see a  
lot

15 of familiar faces out there. So you're assembled here  
from

16 all over the country, which is really very nice for  
Region

17 10.

18 I run the Superfund Program here in the  
Northwest,

19 which includes Alaska, and I was just going to spend a  
few

20 minutes talking this morning about the work we have in  
front

21 of us because, of course, that's really important and  
what

22 this procurement is all about. It's managing Superfund

23 sites, finishing the Superfund sites in a way that we  
can be

24 proud of in the communities affected and feel good about,

25 and we can all move forward with protecting human health  
and

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1 the environment.

2 In Region 10, we are and have been for a  
number of

3 years very proud of our success in this program, and it  
is,

4 of course, a program that relies very, very heavily on

5 expert contractor services, and we have been blessed in  
this

6 region for many, many years with excellent support from  
the

7 contractors, and of course we are committed to  
maintaining

8 that partnership as we go forward.

9 And we are, as you know, moving out on a new

10 generation of support contracts at EPA, and we're  
piloting

11 this here in Region 10, so it is a little scary for us.  
We

12 are very pleased with the help we get from the  
contracting

13 experts in Region 7 in Kansas City.

14 As you probably know, we're the only region in  
EPA

15 that does not run these kinds of direct procurement

16 activities out of our own region. We rely on Region 7,  
and  
17 they have been excellent partners with us in this kind of  
18 new way of approaching contracting at EPA.

19 So just a few words about what we do in the  
20 Superfund Program in Region 10. We, as you probably  
know,  
21 are not Region 6; we're not Region 5; we're not Region 4.  
22 We don't have as many projects as some of the big  
regions.

23 But we do have some of the biggest projects,  
24 including probably the biggest fund lead Superfund  
Project,  
25 in the country, for which we just wrote our Record of

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1 Decision up in Northern Idaho, the so-called Bunker Hill  
or  
2 Coeur d'Alene Project, \$359 million record of decision  
that  
3 we signed a couple of weeks ago calling for a 30-year  
4 cleanup program. And that is considered to be an interim  
5 ROD; that is, Phase I, to deal with the mining waste  
6 contamination, which is severe.

7 Can you hear me in the back? I don't know if  
this  
8 on. Okay.

9 So just a few words about what we have. I  
didn't  
10 go around and count up the specific sites we have work  
on.  
11 We have about 100 Superfund sites in Region 10, and just  
12 like the rest of the country, about half of those, maybe  
a  
13 little more than half, have reached the construction  
14 completion stage.

15 We're actually proud of the fact that they have  
16 deleted quite a number of the Superfund sites in Region  
10

17 from the NPL. Plus for Region 10, I think we're leading  
the  
18 country on that percentage, Larry. You're going to have  
to  
19 work harder in Kansas City.

20 But we do have active work going on at several  
21 dozen sites. I would say 30 to 40 sites are in the  
active  
22 work stage, and that, of course, if, like me, you're  
23 thinking, well, so how many new sites are coming down the  
24 road. Nationally, the whole process of identifying new  
25 Superfund sites is very much up in the air. If I was a

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1 contractor thinking about this program, I'd be, you know,  
2 uncomfortable with the turmoil that the program is going  
3 through.

4 But, then, Superfund is always going through  
5 turmoil of one form or another, and the current round of  
6 turmoil has to do with budget and NPL listing and what's  
the  
7 appropriate policy and all that stuff. But it will play  
8 out.

9 So right now there is, I would say, slow  
listing  
10 activity in the Agency, that is, slow listing of new  
11 Superfund sites. There is quite a pent-up demand for  
12 listing, but because of budget concerns, there is a kind  
of  
13 a scratch-your-head-and-let's-figure-this-out process  
going  
14 on for probably about a year to figure out how many of  
the  
15 sites out there do constitute the sort of new workload of  
16 Superfund sites.

17 Well, that's the work in progress, and it's  
hard

18 for me to describe in the kind of comforting detail you  
19 might want, because I really don't know. In Region 10,  
we  
20 have always -- well, always -- I mean, my tenure, you  
know,  
21 is the last six or seven years. Listing's very  
difficult in  
22 Region 10.  
23 We do not have a lot of state support for new  
24 Superfund sites, and the state support we do have is  
mostly  
25 in Oregon and Washington where they will work with us to

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1 make sites Superfund sites. Those are usually sites that  
2 the states can't handle themselves or usually the sites  
that  
3 are bad in terms of bad PRPs or bad funding situations,  
or  
4 bad technical challenges beyond the capability of states.

5 I don't think that's a message unique to Region  
6 10. It is a message -- perhaps it's a little more acute  
in  
7 Region 10. We have a state or two that just flat doesn't  
8 want any more Superfund sites, although, you know,  
realities  
9 will arise even in those states where there's a cleanup  
need  
10 that can't be addressed otherwise, we are the go-to  
program.

11 So we're not looking at a lot of new sites in  
12 Region 10, a few. We have one finalized this year, one  
13 proposed this year, and I will say that the predictable  
rate  
14 of new the Superfund site listings in Region 10 over the  
15 next several years would be in that range, one to two to  
16 three a year. But, like I said, we are working on about

17 to 40 active Superfund sites.

18 What kind of sites are those in Region 10?  
Well,

19 we do have the full gamut of sort of normal Superfund  
sites.

20 We have groundwater, sediments, mining.

21 We don't have a lot of landfills anymore.  
Most of

22 the landfills are behind us, thankfully. We don't have a

23 lot of huge multiparty landfill sites. I think  
nationally

24 that's the story. I'm hoping it is, anyway, because  
those

25 have been our root canal.

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1 But we do have a broad spectrum of different  
kinds  
2 of sites, large and small. And there are three  
particular  
3 areas of Region 10 that are of great focus for us. One,  
of  
4 course, is mining. The west has had a lot of mining in  
5 Idaho, Washington, and Oregon, heavily in Idaho. And  
mining  
6 sites, if you follow the Superfund World, the Superfund  
7 News, and the resources for the future report, things  
like  
8 that, studies on our program, you'll see that mining  
sites  
9 are big, bad, and ugly, and disproportionately fund lead.  
10 I don't know if there's anybody here from the  
11 mining industry or anybody here who's a friend of the  
mining  
12 industry or a lobbyist for the mining industry. I may  
13 offend you if you are, but the miners don't have a very  
good  
14 record. Their rate of PRP lead work in the mining  
industry  
15 is by far the lowest of any industry sector.

16               So we have mining sites in the Northwest.  
There's  
17               not a lot of good PRPs to help with those projects, and  
they  
18               leave big, bad messes behind. So that's a big workload  
for  
19               us.

20               Of course, I mentioned the Coeur d'Alene Bunker  
21               Hill Project. That is essentially a mining project.  
Dozens  
22               of lead, zinc, silver mines in the Coeur d'Alene Bunker  
Hill  
23               area may contaminate the entire Coeur d'Alene River basin  
24               for about 100 years, and we're trying to deal with that,  
and  
25               it's a human health and ecological risk project.

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1 But we have other mining sites; the Midnite  
Mine

2 on the Indian reservation, the Spokane Indian  
Reservation;

3 we have mines in Oregon; we have other mines in Idaho.  
And

4 there are probably some new mining-related contamination  
5 problems that we're going to deal with.

6 Some of you may know that we are in an active,  
7 very active, site assessment project looking at the  
Columbia

8 River behind the Grand Coulee Dam, known as Lake  
Roosevelt,

9 which is a 150-mile long lake that runs up into Canada,  
and

10 there's a huge lead and zinc smelter in Canada, so  
there's

11 some interesting issues there. So mining is an issue for  
12 Region 10 and will continue to be.

13 One of the other areas of extreme focus for  
Region

14 10 is sediment cleanup. Sediment projects make up a  
large

15 percentage of our ongoing and most difficult work,

16 technically and policywise.

17 As you may know, we have been working since the  
18 beginning of the Superfund Program at the large Tacoma  
19 Commencement Base site where we in an era where we  
weren't  
20 as clever about beans and reporting it, construction  
21 completions, as we are today, and we listed the entire  
22 Commencement Bay, including the ASARCO smelter, copper  
23 smelter, as one NPL site. I don't know why we did that.  
24 Nowadays it would be at least a dozen, and we'd be  
getting  
25 all those construction -- for all those beans, but we're

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1 not.

2 That project is finally, after 20 years,  
heading

3 into the active, I would think, I think, the sort of the  
end

4 stage, at least the part of the project that is around  
the

5 harbor. ASARCO smelter continues to be a major issue,  
and,

6 of course, also if you follow Superfund, you don't really

7 know -- we don't really know -- what ASARCO's future is.

8 So we have just a very large number of major

9 sediment cleanup projects in this region. I mentioned

10 Commencement Bay in Tacoma. We have just gotten started

11 with the Lower Willamette River, which is the port in

12 Portland; just listed that site and are beginning; and

13 likewise the Duwamish River, which runs into Elliott Bay

14 here. Those are two of the nation's biggest sediment

15 cleanup projects, and they are just getting started.

16 So mining sites and sediment sites, and there  
are

17 other sediment issues in the Puget Sound area and up and

18 down the coast which we know about may or may not ever  
19 become Superfund projects. The state of Washington, as  
you  
20 probably know, has a very active cleanup program as well.  
21 So mining and sediment are some of our real high  
priorities  
22 and major ongoing projects.

23 And also the subject of this sort of national  
24 program review process that the Agency has for its  
25 Superfundwide listing -- I mentioned that listing is a

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1 subject of national discussion. So is the question of  
how  
2 we should handle very large sediment and mining sites in  
3 this program. So there are a number of policy issues  
that  
4 are unsettled right now and will change, and, again, I  
can't  
5 predict how that will come out. Nobody can really.  
6 The other area that is very big in the region  
is  
7 wood treating. Now, this is a timber producing region.  
8 Historically, wood product industry has been big here,  
and  
9 wood treaters, those outfits that produce treated wood  
are  
10 just bad, dirty Superfund sites, darn near every one of  
11 them. Although, if there's anybody here from  
wood-treating,  
12 there's a lot of reasons why I'll get in trouble for  
that.  
13 They're not all listed. Some are being  
handled as  
14 RCRA projects; some are being handled as Superfund  
projects.  
15 Some of the ones that are being handled as RCRA projects

are

16 sliding toward Superfund, as we watch them fail  
financially.

17 So wood-treating is another big industry in the  
18 Northwest. It generates a lot of work, ongoing cleanup  
19 work, ongoing experimental, technical field work, ongoing  
20 investigation work, and perhaps new Superfund sites.

21 So I think that's about what I wanted to cover.

22 As Larry and procurement experts know way more about it  
than

23 I do, we are, as you know, moving out in two concurrent  
24 procurement activities, both of them from our view large  
and

25 adequate to cover what we anticipate our needs to be.

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1                      Again, it is very difficult to predict  
Superfund

2                      funding needs. I just go back, say, five or ten years.  
For

3                      the simple chart of how much we spend every year and  
there

4                      is -- it's almost impossible to think of a reasonable  
5                      assessment of that. It goes like this (indicating). You  
6                      know, you have a big year at Bunker Hill, and you spend a  
7                      ton of money. The next year, you know, we're back down  
at a

8                      very modest amount, and the next year it is up again.

9                      So we have tried to predict what we might need  
and

10                     tried to, I think, put it up at kind of the high end  
because

11                     we don't want it to be low and have trouble. But we  
don't

12                     really know what our hard needs are going to be.

13                     We've had an extreme amount of work going on  
for

14                     the last several years at Coeur d'Alene to get to the  
ROD to

15                     write this largest-ever ROD in EPA, and I'm not sure if  
that

16      pace is a reasonable pace to project the future or not.

17      It's been hard for us to figure this out, but we are very

18      excited about moving out with this new generation.

19               We are very excited about all of the people  
that

20      are willing to express an interest to hear about this

21      procurement activity, and together we are looking  
forward to

22      continued excellent partnerships with our contractors.

23               So thank you all very much.

24               MR. KALWEI: Thank you, Mike, especially  
for

25      the kind words about Region 7's contracting staff, this  
is

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1 always appreciated. Actually, I am looking for that  
Alaska

2 site to go visit some day, so anytime you come up with  
one.

3 Also, I can't say enough good things about  
Mike's

4 staff in making this solicitation possible because they  
have

5 really gone out and set the mark with their peers in  
other

6 regions that think they're kind of crazy for doing this,  
but

7 hopefully we'll prove them wrong.

8 Now I'd like to introduce my  
home-away-from-home

9 boss, Julie Hagensen, who is the Assistant Regional

10 Administrator for Region 10's Office Management Program.

11 Julie?

12

13 \* \* \* \* \*

14 P\_R\_E\_S\_E\_N\_T\_A\_T\_I\_O\_N\_/J\_U\_L\_I\_E\_\_H\_A\_G\_E\_N\_S\_O\_N

-----

15 MS. HAGENSEN: Welcome. I'm not a  
Superfund

16 person. I'm the Senior Resource Official, and there are  
a  
17 few people in the audience who know me, know that I am  
very  
18 keen and interested in the way of doing business,  
19 particularly if they make good business sense.

20 And it was about a year and a half ago I was  
21 involved in making the decision to move our procurement  
and  
22 acquisitions work to another region, which hadn't been  
done  
23 before because it didn't make good business sense to  
keep it  
24 in our region. So I am pleased a year and a half later  
to  
25 see our partners in Region 7 come up with a new idea of

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1 doing business.

2 And so, anyway, I am pleased that you are all  
here

3 today. What you'll hear about is a break in tradition,  
at

4 least for the Superfund Program at EPA and brand-new for  
5 Region 10. We're moving away from a chronic cost plus  
kind

6 of contract. It reflects the conscientious decision to  
move

7 forward for commercial contracting. Also, it's the first  
8 time a response action contract has been set aside for  
small

9 business to be letting two contracts, one for the small  
10 business and another open full competition.

11 I will hear a lot of details. Hopefully, all  
of

12 your questions will be answered today. But when I  
mentioned

13 good business sense, what does this really mean? I think  
14 this will mean easier contracts to manage both for EPA  
and

15 for the contractors, more competition, which means more  
16 opportunities, more economical contracts, fewer reports

for

17 the contractor, more accountability. In other words, for  
18 those of you in the audience in business, this means  
running  
19 it like a business.

20 A few kudos here both to Region 7, Larry's  
staff,

21 Marie, and others, who have acted like sparkplugs to get  
22 this going and have sold the idea, and to Mike and his  
staff  
23 in our region for buying the idea and moving it forward  
and  
24 being pioneers in this effort.

25 And for those of you outside of Seattle,  
welcome.

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Sutton PRESENTATION/Mr.  
16

1 We've enjoyed a beautiful fall. I'm sure I'm supposed to  
2 say something about the weather. It's been gorgeous,  
but I  
3 don't have any idea what it's going to look like today.  
But  
4 enjoy yourselves, ask lots of questions, and, again,  
5 welcome.

6 Thank you.  
7 MR. KALWEI: Does anybody have any  
questions

8 for Mike or Julie, because they're going to have to  
depart  
9 here real quick? Raise your hand if you do. Otherwise,  
as  
10 far as the official program goes, we're going to have one  
11 more guest speaker, and then we'll get into the questions  
12 and answers.

13 So without further delay, I'm going to  
introduce a  
14 gentleman from the Office of Small Business and Small  
15 Disadvantaged Utilization Office in Washington, D.C. His  
16 name is Dave Sutton, who is the Deputy Director of that  
17 office.

18 Dave?

19

20 \* \* \* \* \*

21 P\_R\_E\_S\_E\_N\_T\_A\_T\_I\_O\_N\_/\_\_D\_A\_V\_E\_\_S\_U\_T\_T\_O\_N  
-----

22 MR. SUTTON: Well, good morning, everyone.

23 I'd like to bring the greetings from our office direct  
from

24 Jeanette Brown, who, unfortunately could not be here  
today

25 because of another commitment. But to echo what Mike and

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1 Julie said, we in the Small Business Office are indeed  
2 excited about this opportunity for the small business  
3 community in particular.

4 For those of you who may not be as close to the  
5 Superfund Program as others, this entire effort of  
contract  
6 planning began about three or four years ago under the  
guise  
7 of a concept called Contracts 2000, and every few years  
the  
8 Superfund Program takes a look at how we're doing  
business  
9 and tries to learn from our mistakes and find better  
ways of  
10 doing business.

11 Julie talked about some of the key things that  
I  
12 was going to mention, some of the key goals of Contracts  
13 2000: more competition; more fixed priced contracting;  
and,  
14 finally, more opportunities for the small business  
15 community.

16 When EPA first started, I was not in the Small

17 Business Office. I was actually the Junior Resource  
18 Official in the Office of Solid Waste and Emergency  
19 Response, and was actually one of the cochairs of  
Contracts  
20 2000. In that position, I was more concerned with the  
21 overall implementation of the strategy. We're concerned  
22 with balancing national consistency while maintaining  
23 regional flexibility.  
24 Then I moved to the Office of Small Business  
and  
25 Small Disadvantaged Business Utilization, and my personal  
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1 focus became more of an emphasis on small business  
2 participation.  
3 One thing that we did to make sure we knew where the  
small  
4 business community stood on the RACs issues was actually  
at  
5 a few meetings where we actually invited in members of  
the  
6 small business community to give us their views on  
Superfund

7 contracting.  
8 Some of the things we heard, we were not really  
9 surprised, or very bad. Most of the contracts were too  
10 large; some of the small businesses felt that they had  
not  
11 been given an opportunity to play. Some felt that they  
12 could handle the entire statement of work of the RAC  
13 contract, or a very large percentage of that work, and  
then  
14 others just wanted a smaller piece.

15 So I think Region 10, as we mentioned earlier,  
16 along with the work of Region 7, has been very bright.  
17 They've taken a look at what was out there. They've

come to

18 the table with their two contracts, and what you'll find  
is

19 that this is the first follow-on. The Region 10 RAC

20 replacements are the first in terms of the regional work.

21 The other nine regions will follow at some point down the

22 road. I believe, in 2005, maybe three regions will be

23 awarded contracts.

24 What you'll see is that we did maintain those

25 overall rules of Contracts 2000. There will be national

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1 consistency, but at the same time there will be regional  
2 flexibility, primarily because of the varying needs among  
3 the regions.

4 So you'll see some regions will have big  
5 contracts; some will have little contracts; some will  
have a  
6 mixture. And, you know, the best advice I can give you  
at

7 this point in time is after the process is over for  
Region

8 10, just keep an eye on that Web site, the EPA  
contracting

9 Web site, and find out what's going to be going on in the  
10 other regions.

11 In terms of our small business goals at EPA,  
I'd

12 like to briefly tell you what our prime contracting goals  
13 are and what our subcontracting goals are. Whether  
you're a

14 large business or a small business, you will impact EPA  
15 attain its goals.

16 In terms of prime contracting over and above  
small

17 businesses, it's 23.5 percent. Within that 23.5, there  
is a  
18 6 percent goal for 8(a) primes; 3.5 percent for small and  
19 disadvantaged businesses that are not 8(a)s; 5 percent  
for  
20 women owned small businesses; and 3 percent for HUB/zone  
21 firms as well as service disabled veteran owned small  
22 businesses. And those are the prime contracting goals of  
23 small businesses.

24 So whenever a small business gets that small  
25 business set-aside, it will actually help us meet those

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1 small business goals on the prime contractor side.

2 Now, as far as subcontracting goes, the goals  
are

3 really high. The overall subcontracting goal for small

4 businesses in EPA is 50 percent. Within that 50 percent  
is

5 20 percent for small and disadvantaged businesses, 6  
percent

6 for women owned small businesses, and again the 3 percent

7 for HUB/zones and service disabled veterans.

8 The large businesses, as I mentioned, will  
help us

9 in attaining those goals because you'll be getting those

10 subcontracting plans, and we'll be getting your 294s and

11 295s, and we hope that, you know, the successful  
contractor

12 will put an open vote to a good job, and the  
subcontractor

13 will help us meet those goals.

14 One thing I like to do when we have one of  
these

15 sessions is to give people an opportunity to introduce

16 themselves. I know we have a large audience and we have

17 maybe 50 people or. We do not have a hand-held mike, I  
18 don't believe.

19 But I'd just like for at least one  
representative

20 from each firm to get up, give us your name, tell us, in  
21 estimating, about 30 seconds what your firm does, whether  
22 you're a large business, a small business, or women owned  
23 business, 8(a), or what have you. And you'll find that  
this  
24 is very good when we have a break because this way it  
gives  
25 you an opportunity to zero in on people that you think  
you

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Sutton PRESENTATION/Mr.  
21

1 want to talk to.

2 So if there are no questions at this point, I'd

3 like you to just briefly go down the rows. We don't  
have a

4 mike, so please speak up and let us know who you are.

5 Let's start on this side.

6 (Introductions were made.)

7 MR. SUTTON: Okay, thanks very much. From

8 your introductions, I think there will probably be some

9 meaningful discussions at the breaks.

10 This much coming over we spend in terms of  
meeting

11 our goals -- in the prime subcontracting arena, we've  
done

12 pretty good overall with small business and 8(a), but  
we're

13 having problems with women owned small businesses,

14 HUB/zones, and service disabled veterans.

15 In the subcontracting area, unfortunately, the

16 only goal that we've met in the past couple of years has

17 been the women owned small business goal. So we need  
help

18 in both areas. We need help in terms of the private  
19 contractors. We need help from the large businesses in  
20 helping us attain our subcontracting goals.

21 So I will be around all day. I'm sure you  
want to

22 get a chance to ask your questions on the statement of  
work.

23 If you have any questions for me later on during the day,  
24 I'll be more than happy to take them.

25 Thank you very much.

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1 MR. KALWEI: I want to make sure everybody  
2 registers when they come in, and if you want to get a  
copy  
3 of that roster, feel free to ask us, and we can mail it  
out  
4 to you or email it to you.

5 I failed to tell you that this is being  
recorded.

6 We have a court reporter. It will be put out on the  
7 Internet so you can see what the responses are and  
listen to  
8 some of our dumb comments that we make up here again.

9 And, as Dave indicated, we're the first out of  
the  
10 bag on the RAC II contract. Region 7 will be next in  
line.

11 It's going to be next year, and we intend to follow the  
same  
12 process that we are doing right now.

13 I would like to introduce three people from the  
14 Office of Acquisition Management who have travelled clear  
15 out to Seattle because this is such a new process that  
we're  
16 going through, a new contract, that they may get

experience

17 with the other regions that they may place contracts for.

18 Marty Cook is from the Cost-Analysis group. She'll  
probably

19 be involved in looking at the cost of those when they do

20 come in; Margie Weathers, from the Office of Acquisition

21 Management; and Jody Gosnell.

22 You've met Bill Gresham, who is the Project

23 Officer on the current RAC contract from Region 7. He's

24 coming out to see what's going on and what's going to  
happen

25 on this as well.

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1 I would like to introduce, first off, Maureen  
2 Bagocius, who is the Project Officer, and she's the one  
that  
3 really helped make this thing go the way it's going right  
4 now because she was a tough one to sell on this concept  
5 early on, but once she bought into it, she's been our  
6 biggest advocate, and I can't say enough nice things  
about  
7 her, that convincing the RPM and the program of  
Superfund to  
8 take a chance on this and go with it.

9 So, thank you, Maureen, in public.

10 Marie, Marie Noel, is the Contracting Officer  
11 that's placing the contract. She's been with EPA for a  
12 number of years. She comes from a former DOD life, and  
13 after two to three years she finally got accustomed to  
the  
14 way EPA does business. But now, now she has an  
opportunity  
15 to start swaying EPA back towards maybe even close to  
what  
16 the military has done and hopefully the rest of the  
nation.

17           And, with that, I'm going to turn it over to  
18   Marie. Make sure you write your questions on your cards.  
19   You had an opportunity. What she'll do is flip through  
some  
20   of the aspects of the solicitations. They will read the  
21   questions and answers of what already has been received,  
and  
22   then we'll start taking your questions from the audience.  
23   ///  
24   ///  
25   ///

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1 \* \* \* \* \*

2 P \_ R \_ E \_ S \_ E \_ N \_ T \_ A \_ T \_ I \_ O \_ N \_ / \_ M \_ A \_ R \_ I \_ E \_ \_ N \_ O \_ E \_ L

-----

3 MS. NOEL: I'm really glad to see such a  
large

4 gathering today because we really want to have a good  
5 competition, so this is really a good thing to see.

6 Most of the things that I was going to say have  
7 already been covered by other people. However, I would  
like

8 to say that all the people that we have introduced to you  
9 from headquarters, from Region 10, from Region 7, if and  
10 when you have questions and you write them on the card,  
feel

11 free to give them to any of these people, and we'll  
collect

12 them all so that we can get back to you with the answers.

13 We're really going to try to make sure that we  
can

14 answer as many of your questions as possible today. To  
that

15 effect, the many, many questions that we have already

16 received through email and that, we have worked hard to

17     prepare answers for. So we already have a lot of  
18     information to give you, but we do want to try to cover,  
19     even the other questions that you haven't had a chance to  
20     ask. So please give them to any of those people, and  
we'll  
21     make sure that we work on them today.

22             We've already talked about how we're doing a  
fixed  
23     rate contract, IDIQ, but I'd like to go through the  
24     procedures we're actually using to go through the  
25     acquisition process. They're very traditional the way  
we're

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1 going to go about them, which, I think, is a little  
2 different than what's happened in the past.

3 First of all, we're going to be looking at your  
4 SF254s and 255s, and then we're convening an Architect  
and

5 Engineering Evaluation Board, and we're going to  
objectively

6 evaluate all the offers. The top three technically  
ranked

7 firms under each one of the RFPs will be short-listed.

8 These short-listed firms will then be provided  
9 with a response scenario to prepare, which they will  
come to

10 us and give a presentation. The ranking of the  
short-listed

11 firms may or may not be affected by their presentation of  
12 the response scenario.

13 Then the top-ranked firm from each RFP will be  
14 asked to submit their cost proposal. We'll have that  
15 proposal audited and evaluated, and negotiations will  
16 commence. If we can't reach agreement with that  
top-ranked

17 firm, then we would go to the second ranked firm and so

on.

18 Of course, I have every, you know, thought that we're  
going

19 to be in agreement with the top.

20 But that's how it works. It will only be from  
the

21 top firm to begin with, and we won't be getting any cost

22 information, except from that top-ranked firm, from joint

23 venture or team.

24 You'll notice in the RFPs that there are page

25 limitations and limitations on the size of the font and  
the

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1 margins used, and we will be strictly enforcing these  
2 limitations. And they are inclusive of any and all  
foldout  
3 tables, graphs, whatever. So if you go over the  
limitations  
4 and you provide us extra pages of information, we are not  
5 going to be able to accept it. So keep that in mind.  
6 Well, I do need to tell you that we are not  
going  
7 to, hopefully, if everything going according to plan,  
we're  
8 going to be able to announce who the short-listed firms  
are  
9 by late November. We will notify all the offerors, so  
you  
10 all will be hearing from us so that you, you know, will  
know  
11 right away if you're in that short list or not. So,  
like I  
12 say, late November, probably around Thanksgiving.  
13 Okay, that's all I have for right now. What  
we're  
14 going to do now is take a short break. You'll have an  
15 opportunity to turn in your card, get a drink, whatever,  
and

16 then when we come back, sit back, get ready, and Maureen  
and

17 I will be just reading questions and answers. It might  
not

18 be too exciting, but it will be very informative.

19 So how about 10:15? 10:15 come on back, and  
we'll

20 start. Thank you.

21 MR. KALWEI: Leave your cards here on the  
22 table, if you want to.

23 (Proceedings at short break.)

24 MR. KALWEI: I just wanted to let you  
know, if

25 you want a copy of the roster right away, if you would  
hand

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1 me your card, and I will make sure you get one. I'll be  
2 sitting back there by the table.

3 So here are the questions. I will pick them up  
4 right now. Does anybody have any questions?

5 THE AUDIENCE: (No response.)

6 MS. NOEL: We're going to be splitting the  
7 Talking here. Maureen's going to be asking the questions  
8 that we've already received and were able to provide  
answers

9 for, and I'll be reading the answers. So hopefully you  
10 won't get quite as bored; you'll have a little  
difference in

11 the speaking voices.

12 UNIDENTIFIED SPEAKER: Question; are the  
13 questions and answers going to be on your Web site?

14 MS. NOEL: Once we get all of this done and  
15 the transcriptionist finishes her work product, we will  
be  
16 posting an amendment that's going to be a complete  
17 transcript of today and any other changes, corrections we  
18 might have to make to our piece.

19 UNIDENTIFIED SPEAKER: What's your  
approximate

20 time frame?

21 MS. NOEL: Well, considering that we  
allowed

22 in the RFP 20 days from the date it was posted for

23 questions, that's not until the 17th of October, so I  
would

24 say it won't be until after that, but very shortly after

25 that.

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1                               \* \* \* \* \*

2               Q \_ U \_ E \_ S \_ T \_ I \_ O \_ N \_ S \_ \_ A \_ N \_ D \_ \_ A \_ N \_ S \_ W \_ E \_ R \_ S

-----

3               MS. BAGOCIUS: Okay, so the first question:

4               Q. What is the strategy for distributing projects  
to  
5               the two contractors?

6               A. Both contracts have a \$3 million minimum.  
Until

7               such time that each contract has been assigned projects  
8               which obligate this minimum amount, projects will be  
9               assigned in such a way as to keep both contractors active  
10              with a somewhat equal amount of work assigned. This will  
11              provide project managers with a good sense of the  
12              contractor's strengths and weaknesses for use in  
assigning  
13              future work. There also exists the possibility that we  
will  
14              compete fixed price task orders between the two  
contractors.

15              Once the minimums have been met, EPA will be  
16              distributing work based on avoidance of conflict of  
17              interest, contractor's previous experience on the site

under

18 consideration, assessment of performance the contractor  
19 provided on similar projects already underway and/or  
20 completed, contractor's current workload, contractor's  
major area of expertise, and experience of contractor's staff.  
21

22 EPA will have complete discretion to award work  
23 using any or all of these criteria. The Contracting  
Officer

24 will make the final decision on the distribution of work  
in

25 consultation with the Project Officer and Task Order

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- 1 Contracting Officer's Representative.
- 2 Each year, the CO and PO will evaluate  
contractor
- 3 performance, utilizing the National Institute of Health
- 4 electronic performance system. This information will be
- 5 posted to their Internet site and available for all
- 6 government agencies' use. The contractors will have the
- 7 opportunity to see these evaluations and provide a  
response
- 8 prior to their posting. In addition, the Contracting
- 9 Officer's Representative will complete an evaluation at  
the
- 10 completion of each task quarter or annually if a  
multiyear
- 11 order, for use in the NIH review.
- 12 MS. BAGOCIUS: Can everybody hear us;
- 13 everybody in the back? Okay.
- 14 Q. What kinds of state and community support is  
the
- 15 contractor expected to provide?
- 16 A. In the past, the contractor has been involved  
in a
- 17 wide array of community support, including the

development

18 of fact sheets, providing technical assistance at  
community

19 meetings, answering phone calls from the community  
regarding

20 the status of the site in the affected community, handing

21 out information pamphlets at residences, and going

22 door-to-door providing verbal information to residences  
in

23 the affected area.

24 MS. BAGOCIUS: In addition to that, as you  
can

25 see from the RFP, there was a lot more detail in the

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1 statement of work in what was required for community  
2 support.

3 Q. How will EPA manage this contract locally if  
the

4 CO is in Kansas?

5 A. Region 7 has been placing and managing Region  
10

6 contracts for almost two years. Region 7 works with  
Region

7 10 program/project personnel, utilizing telephone, fax,

8 email, and periodic trips to Seattle to efficiently  
manage

9 contracts.

10 In addition, the contracting staff in Region 7

11 communicates with appropriate contract employees as

12 necessary via the same modes of communication. In  
essence,

13 management of the contract by both contracting and  
program

14 personnel is virtually no different than both functions  
were

15 performed within the region.

16 Q. Will the selective RAC contractor be reviewing

17 others' work?

18 A. In PRP Oversight assignments, the contractor is  
19 normally tasked to review PRP deliverables, such as RI  
and  
20 FS reports, RDs, and other various technical reports that  
21 the PRP has generated.

22 Many of the Superfund sites involve numerous  
23 stakeholders, including tribes and other agencies of the  
24 federal, state, and local governments. Various  
25 documentation regarding the cleanup of the site from  
these

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1 entities is reviewed by EPA and contractor personnel.

2 Q. Will the RAC contractor be creating "white  
papers"

3 or position papers or work in conjunction with EPA Region

4 10?

5 A. Yes, the contractor will be tasked to draft

6 position papers, most of which will be in conjunction  
with

7 EPA personnel. However, the contractor will not be  
tasked

8 with writing documentation that is inherently  
governmental,

9 nor making final decisions regarding cleanup methods for  
the

10 Agency.

11 Q. What is the potential labor mix for this

12 procurement?

13 A. The contractor shall look to the statement of  
work

14 to determine what an appropriate labor mix would be. The

15 contractor should be capable of such determination based  
on

16 previous experience in performing similar types of work  
for

17 various customers.

18 Q. Why is EPA reprocurring new contracts when the

19 current contract is not due to expire until 2008?

20 A. Two years ago, the contracting office and the

21 program office did an analysis of the contract capacity.

22 Based on various scenarios, the "burn" rate, the  
quantities

23 available in the option periods, and the forecast of  
work,

24 EPA was convinced the contract would not be able to fully

25 accommodate the types and amounts of work over the

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1 contract's remaining years.

2 Q. What types of work is EPA anticipating  
regarding

3 counterterrorism?

4 A. EPA has played a major role in the United  
States'

5 response to September 11th in both New York and in

6 Washington, D.C. One of the obstacles EPA faced in its

7 response was access to resources needed for immediate

8 removal efforts, sampling and analysis of air and soils,

9 anthrax testing, and other various cleanup support.

10 The addition of counterterrorism support in  
this

11 contract and all future RAC-type contracts will increase

12 EPA's capacity to respond to these kinds of incidents.

13 Various task orders under this contract may include air,

14 soil and particle sampling, analysis and ongoing  
monitoring,

15 ongoing human and eco risk assessment, anthrax testing,

16 analysis, and various cleanup efforts of different toxic

17 hazards in the areas affected.

18 Q. Are there any barriers to past holders of ARCS

and

19      START contracts in bidding on this AES contract?

20            A.   Past ARCS or START contractors are eligible to

21      participate in this acquisition. All previous  
experience in

22      the types of work specified in the statement of work  
will be

23      considered during evaluation.

24            Q.   Will prior ARCS and START contractors be  
precluded

25      from working on certain sites at which they previously

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1     worked?

2           A. Any potential claims of conflict of interest  
will

3     be treated on an individual basis as each situation is

4     unique. No one standard answer to this question is

5     accurate.

6           Q. Will the EPA look more or less favorably upon  
7     agency-specific experience than on similar experience  
with

8     non-EPA contracts?

9           A. All experience will be considered, whether it  
was

10    work for EPA or for other agencies and businesses.

11           Q. Is a team comprised only of small businesses

12    potentially attractive for the set-aside contract?

13           A. Evaluation will be performed on all team  
members

14    to make up the "whole." There is no stated or inferred

15    preference regarding the team "makeup."

16           Q. Section M.1., the specialized experience

17    evaluation criteria, makes reference to pollution

18    prevention, waste reduction, and energy conservation.

These

19 actions are more typical of RCRA (as opposed to CERCLA),  
and  
20 the attached scope of work for AES, i.e., RAC II, does  
not  
21 include these actions. Please clarify.

22 A. These activities do not pertain exclusively to  
23 RCRA. FAR Subpart 23.703 lists strategies and objectives  
24 that agencies should consider. It is our expectation  
that  
25 the contractor look for these opportunities within the

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1 scope.

2 Although not explicitly outlined, these  
objectives

3 should be part of vision for any project that will  
involve a

4 remedy for cleanup. For example, assisting with the ROD

5 through the development of alternative remedies, when

6 creating the plans, drawings, spec, et cetera in the

7 design, and while performing oversight of treatment

8 facilities.

9 Executive Order 13123, Greening the Government

10 Through Efficient Energy Management, provides direction  
to

11 all Federal Agencies to "expand the use of renewable  
energy

12 within its facilities and in its activities by  
implementing

13 renewable energy projects and by purchasing electricity  
from

14 renewable energy sources..."

15 It goes on to state, "Agencies shall  
incorporate

16 energy-efficient criteria consistent with ENERGY STAR and

17 other FEMP-designated energy efficiency levels into all  
18 guide specifications and project specifications developed  
19 for new construction and renovation..."

20 Therefore, the EPA and its contractors shall  
21 consider all aspects of pollution prevention and energy  
use  
22 in performing the EPA's mission to protect human health  
and  
23 to safeguard the natural environment.

24 Q. Standard form 255, Block 7. Does EPA want an  
25 organization chart? Does EPA want resumes for all  
levels,

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1     for example, senior and junior levels? Is there a limit  
on

2     the number of resumes that you want submitted?

3     A. An organization chart is not required.  
Directions

4     for the completion of a form state that "Care should be  
5     taken to limit resumes to only those personnel and  
6     specialists who will have major project  
responsibilities."

7     Please refer to the instructions for preparation of the  
8     SF255 written on the form itself.

9     Q. Standard Form 255, Block 8. Does EPA want all  
10

10    projects to be from the prime, or should the offeror  
include

11    team subs as well?

12    A. Block 8 instructions state that the offeror may  
13    >List up to 10 projects which demonstrate the firm's or  
14    joint venture's competence to perform work similar to  
that

15    likely to be required on this project."

16    Q. Standard Form 255, Block 10. Is Block 10  
limited

17 to one page plus the attachments? Is Block 10 to include  
18 the firm's computer design capabilities?  
19 A. As stated in both the proposal instructions  
and in  
20 the SF255 instructions printed on the form itself, only  
one  
21 page (the Block 10 space provided) may be submitted, and  
no  
22 attachments are permitted. Block 10 specifies that  
computer  
23 design capabilities information is included in the types  
of  
24 additional information to be specified in this section.

25 Q. After the short list to three firms, will EPA

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of 1 select the highest rated firm based only on the results  
2 the oral presentation, or will the selection be based on  
3 cumulative points, including the written proposal?

on 4 A. Selection of the top rated firm will be based  
5 the evaluation criteria applied to the written proposals  
and

6 augmented by the oral presentation. the "short-listed"  
7 firms may or may not be reranked as a result of their  
oral 8 presentation. Reranking is dependent on whether their

9 presentation has altered the Architect Engineering  
10 Evaluation Board's position regarding a scoring of a  
11 particular evaluation criteria. Any reranking would  
have to

12 be by consensus of the Board.

13 Q. Standard Form 255, Block 7. May we include a  
14 matrix that shows by individual, experience with the  
15 different statement of work element and specialized  
16 experience?

17 A. No. Block 7 shall be completed in accordance  
with

18 the "instructions for filing" on the SF255. Copies of  
Block

19 7 may be made to accommodate additional personnel;  
however,

20 no attachments such as matrices will be considered during  
21 the evaluation process.

22 Q. M.1. Professional Qualifications. What do you  
23 mean by "financial experience"? How is it different from  
24 managing budgets, which could be included in "management  
25 experience"?

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1           A. Under Professional Qualifications, we are  
looking  
2           for the degrees and certifications earned and the years  
of  
3           experience individuals have working for companies doing  
the  
4           types of activities specified in the statement of work.

5           Under Management Experience, we are looking  
for a  
6           recitation of actual projects and accomplishments that  
7           demonstrate the individuals' abilities in the areas  
8           specified.

9           Q. Are we allowed a cover letter?

10          A. No cover letters will be reviewed.

11          Q. SF255, Block 4. Do we provide the Block 4  
12          information as it appears in the 255, the separate  
13          attachment listing the regional office and number of  
14          personnel by discipline in the region?

15          If both the "Standard Block 4" and a separate  
16          Block 4 attachment are to be submitted, please clarify  
the  
17          differences in the information to be provided as it  
pertains

18 to the number of personnel and by discipline.

19 A. Standard Block 4 and a separate Block 4  
attachment

20 shall be provided. The Block 4 attachment includes the

21 number of offices in the region and number of personnel  
by

22 discipline. This is not included in the information

23 provided in the Standard Block 4. Additionally, a  
narrative

24 demonstrating access to "outside" resources is requested.

25 This is also not included in the Standard Block 4.

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1       Q. Block 7. Is there a page limit per resume? If  
2       so, is a more detailed (and therefore longer) resume to  
be  
3       provided for the proposed program manager?

4       A. Utilizing the Block 7 form, two resumes will be  
5       provided per form page. No attachments or additional  
pages  
6       per individual resume will be evaluated. Multiple  
copies of  
7       Block 7 for additional resumes may be submitted.

8       Q. Block 8 --  
9       UNIDENTIFIED SPEAKER: I'm sorry, excuse  
me.  
10      Could you repeat that first part?

11      UNIDENTIFIED SPEAKER: And what you're  
saying  
12      is as they issue it -- we usually don't do this, but  
you're  
13      literally saying to use only the half page is one and the  
14      other half page is the other, correct?

15      MS. NOEL: Yes, we are saying that.

16      UNIDENTIFIED SPEAKER: Okay.

17      MS. NOEL: Choose your words carefully,

18 MS. BAGOCIUS: Do you want us to restate  
the

19 question and the answer again?

20 UNIDENTIFIED SPEAKER: Yes, slightly a bit  
21 slower. Not the question, the answer.

22 MS. NOEL: But you want her to read the  
23 question slowly.

24 UNIDENTIFIED SPEAKER: Please.

25 Q. Block 7. Is there a page limit per resume? If

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1 so, is a more detailed (and therefore longer) resume to  
be

2 provided for the proposed program manager?

3 A. Utilizing the Block 7 form, two resumes will be

4 provided per form page. No attachments or additional  
pages

5 per individual resume will be evaluated. Multiple  
copies of

6 Block 7 for additional resumes may be submitted.

7 MS. NOEL: Okay?

8 UNIDENTIFIED SPEAKER: Can I ask one point  
of

9 clarification? "Per form page"; front and back?

10 MS. NOEL: It's just the one side.

11 Q. Block 8 instructions. Does the reference to  
one

12 sheet of paper (double-side allowed) mean that our

13 descriptions can be front and back of a single page,

14 i.e., two pages of text?

15 In supplying information on program

16 support/project project management costs versus total

17 project costs, the instructions state that the  
subcontract

18 costs, travel, and ODCs are to be contracted from the  
total

19 project costs. Does the reference to subcontract costs

20 refer to pool subcontractors or to both pool and team

21 subcontractors?

22 A. Yes. You may submit two sides of text on one

23 sheet of paper. The reference to subcontract costs  
refers

24 to all subcontracts other than team subcontractors.

25 Q. Block 8 instructions refer to project

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1 descriptions. Are contract descriptions also acceptable  
for  
2 inclusion?

3 A. Block 8 asks for project descriptions. You may  
4 describe individual projects performed under a contract  
but  
5 should not speak at the contract level unless the  
contract  
6 was comprised of just one project.

7 Q. Blocks 9 and 10. The instruc--  
8 UNIDENTIFIED SPEAKER: Could you say that  
one  
9 again, please.

10 Q. Block 8 instructions refer to project  
11 descriptions. Are contract descriptions also acceptable  
for  
12 inclusion?

13 A. Block 8 asks for project descriptions. You may  
14 describe individual projects performed under a contract  
but  
15 should not speak at the contract level unless the  
contract  
16 itself was comprised of just one project.

17 Q. Blocks 9 and 10. The instructions appear to be  
18 missing from the text sections leading into the 255  
forms.  
19 Are there instructions for completing these sections  
other  
20 than that presented in the proposal instructions in  
21 attachment C?

22 Also, attachment C, proposal instructions,  
Section  
23 H, states that Block 10 should be completed in accordance  
24 with the instructions for filing on the 255. In printing  
25 and viewing the PDF file, no instructions for Block 10 or

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1       Block 9 were available. If other instructions are  
intended

2       to be followed, will you be providing them?

3       A. There has been a problem with the electronic  
file.

4       Please retrieve the SF255 form off the GSA forms Web  
site in

5       order to view the instructions in their entirety. We  
also

6       will see that the file is reposted. Hopefully, this  
time it

7       will come out the entire form.

8       Q. Block 9. Are the projects or contracts  
presented

9       in this section limited to the prime consultant?

10      A. Block 9 projects presented are not limited to  
the

11      prime.

12      Q. Block 9. Are there specific aspects of the  
work

13      to be covered under Column B, nature of firm's

14      responsibility?

15      A. There are no specific aspects to be covered.

16      Q. Block 10 is to include an attachment describing

17 the offer's management ability as it pertains to the  
18 evaluation criteria. That attachment is limited to four  
19 double-sided pages.

20 Is the Management Ability attachment expected  
to  
21 be comprised of the entire body of information submitted  
22 under Block 10?

23 If information and descriptions of resources  
under

24 Block 10 is not specifically limited to the Management  
25 Ability attachment, is there a page limit that applies to

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- 1 the additional Block 10 information to be provided?
- 2 Does the 11 point font requirement include
- 3 figures, graphics, and tables?
- 4 Does the reference to Block 4 four double-sided
- 5 pages mean eight printed pages?
- 6 A. Block 10 is separate from the Management  
Ability
- 7 attachment. Block 10 submission is limited to the one  
page
- 8 form with no attachments. The Management Ability  
attachment
- 9 is limited to four sheets (double-sided). Any charts,
- 10 graphics, tables, et cetera, if provided, are included
- 11 within the four double-sided sheets. Four double-sided
- 12 sheets equal eight printed pages.
- 13 Q. The SF254. Is there a limit on the number of
- 14 pages for the project examples? Are 254s for team
- 15 subcontractors to be included?
- 16 A. Block 11 of the SF254 allows for the listing  
of up
- 17 to 30 projects. Projects listed may be for the prime  
and/or

18 any team subcontractor. Project information must be  
19 contained within the confines of this form.

20 Q. Attachment C. There are two related  
solicitations

21 for Region 10, one for small business and one for full  
and

22 open competition. Number PR-R7-02-10217 is for full and

23 open but states that EPA intends to award one contract  
from

24 this RFP to a small business.

25 Does EPA also intend to make a separate full  
and

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1 open award?

2 A. There are two RFPs. One award will be made  
from

3 each RFP. There will be an award to small business under

4 the set-aside, and one award will be made under the full  
and

5 open competition.

6 This is a mistake in the page 1 one of proposal

7 instructions in the full and open competition RFP, which

8 will be corrected in the amendment when it is issued.

9 Q. Will the proposals submitted for the full and  
open

10 contract and small business set-aside contract be  
evaluated

11 and ranked as a single pool of offers, or will the  
proposals

12 be evaluated and ranked in two separate groups,  
according to

13 the solicitation number?

14 A. There will be a separate evaluation process for

15 each RFP. They will not be grouped together.

16 Q. Clause L.8 past performance information. Is  
the

17 information on past performance to be provided in  
response

18 to this clause expected or required to be bound  
separately

19 from the 254 and 255? Is there a format required for the  
20 description of awards?

21 A. The method of submittal is up to the offeror.  
No

22 special format is required for description of awards.

23 Q. Section M, evaluation factors for award. In  
the

24 discussion of the criteria for demonstrating management

25 ability, the text indicates the commitment to the  
Agency's

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1 goal for small business and small and disadvantaged  
business

2 firms as team and/or subcontractors is expected.

3 In responding to this criterion, are there

4 specific numeric goals that the offeror should address?  
If

5 so, what are the numeric goals for different small  
business

6 categories for this solicitation?

7 A. There are no goals specifically created for  
this

8 RFP, either RFP. The Agency goals are, as stated  
earlier:

9 prime goals for small businesses, 23.5 percent. The  
makeup

10 of that is 6 percent, 8(a), 3.5 percent to small and

11 disadvantaged businesses, 5 percent to women owned small

12 businesses, and 3 percent to HUB/zones; and veteran  
owned.

13 The subcontract goals, 50 percent overall to  
small

14 business. The makeup of that is: 20 percent to small  
and

15 disadvantaged business, 6 percent to women owned small

16 business, and 3 percent to HUB/zone and veteran owned  
17 business.

18 MR. SUTTON: Just a comment. I don't know  
if

19 this is appropriate. The 3 percent you mentioned,  
veteran

20 owned businesses, that's service disabled veteran owned  
21 businesses, not just veteran owned.

22 Q. B.2 states that fixed rates shall apply for the  
23 duration of the contract. However, Clause G-5 states  
that

24 rates specified in the schedule of this contract will be  
25 subject to adjustment on a yearly basis based on one of  
the

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- 1 following cost indices for labor and/or material: data  
2 resources Inc (DRI) or consumer price index (CPI).  
3 These two clauses appear to be in  
contradiction.  
4 Please clarify if rates will be subject to the annual  
5 adjustment.  
6 A. The fixed rates shall apply for the duration of  
7 the contract subject to fluctuation of the index chosen  
for  
8 use. The index will be reviewed on an annual basis.  
9 Consequently, if there is no fluctuation, the rates will  
not  
10 change. If there is an increase or decrease, an  
adjustment  
11 to the rates will be made.  
12 Q. Clause B.2 notes that other labor categories  
other  
13 than those given as suggestions may be used. In  
addition to  
14 defining other technical categories, can the offeror also  
15 include an intermediate experience level between the  
16 suggested senior and junior?  
17 A. Offeror should propose a labor mix they feel

18 appropriate based on the statement of work and their own  
19 labor categories.

20 Q. Clause B.2. Are there specific education and  
21 experience criteria for classifying personnel as senior  
or  
22 junior?

23 A. Again, offeror should propose a labor mix they  
24 feel appropriate based on the statement of work and their  
25 own labor categories.

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1           Q. Clause B.2. Are labor categories and  
associated

2           rates to be provided for the prime and each team

3           subcontractor firm?

4           A. The schedule will contain only one labor rate  
per

5           category, whether performed by the prime or team

6           subcontractor.

7           Q. Clause B.2. Is the prime permitted to apply a

8           markup to team subcontractors and to pool subcontractors?

9           A. Only one labor rate per category will be  
utilized

10          no matter what team member performs the service. These  
will

11          be fully loaded rates and as such may indeed contain

12          markups. There will be no pool subcontractors per se.  
Any

13          subcontract activity other than that performed by  
members of

14          the "team" will be invoiced as a cost line item charged

15          under other direct costs.

16          Q. Clause H.5 contractor performance  
evaluations. Is

17      there any relationship between the selected team's  
18      performance (as defined under this clause) and fee?  
19           A. The AES contracts will not be cost plus fixed  
fee  
20      nor cost plus award fee contracts. All fees under a  
fixed  
21      rate indefinite delivery/indefinite quantity contract are  
22      included in the fixed rates.

23           Q. Clause H.6 describes the offerors' obligations  
to  
24      conduct background checks. Clause H.24(a) defines  
security  
25      requirements for contractors as "for purposes of this

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1 clause, on-site refers to any federally owned or leased  
2 space and any commercial space primarily occupied by  
federal  
3 workers. It also includes EPA designated Superfund sites  
4 regardless of whether or not they are federally owned or  
5 leased."

6 Please clarify the scope of these requirements  
for  
7 background checks. As stated, it is unclear whether the  
8 requirements apply only to (1) those employees working at  
9 federally owned or leased EPA facilities and commercial  
10 space primarily occupied by federal workers, or (2) the  
11 requirements also extend to employees performing  
"routine"  
12 activities at Superfund sites.

13 A. Background checks shall be performed on all  
14 personnel either performing services on-site or in a  
15 federally occupied space.

16 Q. The synopsis lists the possible contract value  
as  
17 being 128 million. What was the funding for RAC in 2001  
and

18 currently in 2002 in Region 10?

19 A. For fiscal year 2001, \$11.8 million was  
invoiced,

20 and in fiscal year 2002, \$9.6 million was invoiced.

21 However, in fiscal year 2000, RAC invoiced amounts  
totaled

22 15 million. EPA anticipates ordering services in the  
amount

23 of 10 to \$15 million per year.

24 Q. Block 9. Does EPA have a preference for how  
this

25 section is formatted? For example, should we use Block 8

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1 formats specified by the EPA for Block 9?  
2 A. No. Refer to the SF255 instructions for  
3 preparation of Block 9. Utilize the format specified on  
the  
4 form itself.

5 Q. L.6(a). Does EPA want an OCI disclosure  
statement

6 in this submittal, or will that be a later requirement?  
If

7 required in this submittal, which section or block of the  
8 proposal should this statement?

9 A. It is not required in this initial submittal.

10 Q. Section K. Does EPA want representations and  
11 certifications included in this submittal, or will that  
be a

12 later requirement? If required with this submittal, do  
you

13 want them as a separate attachment or included elsewhere?

14 A. Section K should be completed and submitted  
along

15 with your other proposal documents. Method of submittal  
is

16 up to the offeror.

17 MS. NOEL: That's all the questions that we  
18 have prepared answers for at this time. We have received  
19 many, many questions from you all that we need to start  
20 working on. So I propose that we break now for kind of  
an  
21 extended lunch period so that while you have a nice  
lunch we  
22 can work diligently answering all your questions that you  
23 have submitted.

24 (Discussion off the record.)

25 ///

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DISCUSSION/QUESTIONS &  
ANSWERS 49

1 \* \* \* \* \*

2 D \_ I \_ S \_ C \_ U \_ S \_ S \_ I \_ O \_ N \_ \_ O \_ F

-----

3 Q \_ U \_ E \_ S \_ T \_ I \_ O \_ N \_ S \_ \_ A \_ N \_ D \_ \_ A \_ N \_ S \_ W \_ E \_ R \_ S

-----

4 MS. NOEL: Okay, well, she suggested one  
thing

5 before we do that.

6 Regarding the questions and answers that you  
have

7 just received, do you have any follow-up questions due to

8 those particular questions and answers that you'd like to

9 ask right now?

10 UNIDENTIFIED SPEAKER: In reference to the

11 SF254 question of --

12 MS. NOEL: Which one?

13 UNIDENTIFIED SPEAKER: 254 but not 255.  
Did I

14 hear you answer that a combination could be a  
combination of

15 the firms submitting versus in the past each firm submits

16 their own 254, which is a total of 30 projects?

17 MS. NOEL: Well, according to the

instructions

18 that are on that form that it allows for up to 30  
projects,

19 and 30 projects can be a combination of all your team

20 members, not 30 projects from each member of the team.

21 UNIDENTIFIED SPEAKER: That's the first  
time

22 ever. 254 hasn't always been firm specific.

23 MS. NOEL: Well, why don't we look at this

24 over lunch, and we'll discuss with all the different  
members

25 that we have here, and we will readdress that after  
lunch.

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DISCUSSION/QUESTIONS &  
ANSWERS

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1 UNIDENTIFIED SPEAKER: We can do it. We  
just

2 need to --

3 MS. NOEL: Right. And so, you know, that  
was

4 not the consensus of what we were looking for, but we  
will

5 rediscuss this and see if perhaps that we might want to  
go

6 that way, and we'll discuss it when we come back.

7 UNIDENTIFIED SPEAKER: Okay.

8 UNIDENTIFIED SPEAKER: A comment on the  
9 resumes once more. Putting two resumes on one page  
leaves

10 you about this much space to explain a person's

11 qualifications and credentials. It very much favors

12 incumbent contractors where you already know who the  
staff

13 are.

14 MS. NOEL: We are only trying to get that

15 being based on what is given, not on our knowledge from

16 elsewhere.

17 However, one thing that I will mention that I

18 thought of right when we were composing that answer is  
you

19 can move lines around on that form, and when it gives  
you a

20 fat space just for a name, I'd make it skinny, and that's

21 going to give you a little more room to put that in  
there.

22 You know, it's like choose your words very smartly. You  
can

23 say a whole a lot with not as much as you'd expect.

24 UNIDENTIFIED SPEAKER: Could you provide us

25 with a list of exactly what you expect submitted in the

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1 first submission because it's a little confusing having  
the  
2 255 embedded in the standard RFP, and I wouldn't have  
3 assumed that Section K should have gone in at all. So  
if we  
4 could just have a list of what you want to see in the  
first  
5 submission, it would simplify it.

6 Again, is it just the 254, the 255, and the  
7 Section K, the attachment to Section 10; and that's it?

8 MS. NOEL: Right. There is no cost  
9 information whatsoever in this submission.

10 UNIDENTIFIED SPEAKER: Okay. I would  
11 associate references with cost. That's why --

12 UNIDENTIFIED SPEAKER: I have a question  
13 probably for Dave on the small business goals. I didn't  
14 quite understand it. You said 23.5 percent for the small  
15 business total, and then we got down to a -- and I'm not  
16 sure if this applies to large businesses or 50 percent  
17 overall sub goals? What was that 50 percent?

18 MR. SUTTON: Yes. Marie was talking first  
the

19 prime goals and then the subcontracting goals. The 23.5  
is

20 the prime subcontracting goals or EPA's prime contracts.

21 UNIDENTIFIED SPEAKER: Right.

22 MR. SUTTON: But then the subcontracting  
goals

23 that I mentioned earlier are 50 percent for small, 20

24 percent SDB, 6 percent women owned, 3 percent for  
HUB/zone,

25 and 3 percent for service disabled veterans.

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1 UNIDENTIFIED SPEAKER: I'm sorry, could you  
2 say that one more time? The 50 percent is for --

3 MR. SUTTON: It's the overall small  
business

4 subcontracting goal. Within that 50 percent is 20  
percent

5 small and disadvantaged, 6 percent for women owned, 3  
6 percent for HUB/zone, and 3 percent for service disabled  
7 veterans.

8 UNIDENTIFIED SPEAKER: Clarification of  
that  
9 question; is 50 percent of what a subcontractor must go  
to

10 subcontract a small business?

11 MR. SUTTON: It's 50 percent of  
subcontracting

12 dollars.

13 UNIDENTIFIED SPEAKER: Not of the total  
14 dollars.

15 MR. SUTTON: That's correct; subcontracting  
16 dollars.

17 UNIDENTIFIED SPEAKER: Even though you are  
a

18 small business as a prime, you still have to let off  
that 50

19 percent.

20 MR. SUTTON: The subcontracting goals only  
21 apply to large businesses.

22 UNIDENTIFIED SPEAKER: A question on Block  
10.

23 Did I hear you say that the Block 10 was limited to two  
24 pages plus the eight pages of management capability as  
the

25 attachments?

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1 MS. NOEL: The Block 10 is separate from  
the  
2 Management Ability attachment. The Block 10 submission  
is  
3 limited to the one-page form with no attachments. The  
4 Management Ability attachment is limited to four sheets,  
5 double-sided, and any charts, graphics, tables, et cetera  
6 that you may provide will have to be included within  
those  
7 four double-sided sheets, which is eight printed pages.

8 UNIDENTIFIED SPEAKER: To follow on with  
that  
9 question, you talked about the 11 point font. Is that  
for  
10 the graphics? If you do the graphics and you insert it  
into  
11 that document, does that graphic have to have 11 point  
font  
12 as well, or is that just for the text?

13 MS. NOEL: The question -- yes.

14 MR. KALWEI: I think actually the question  
has  
15 been answered before.

16 UNIDENTIFIED SPEAKER: Regarding the

comment

17 about a description in Block 8 referring solely to  
projects

18 and not to contracts, if we switch that around to say  
that a

19 single project was performed under multiple contracts  
with a

20 single entity, are we able to present that entire  
project in

21 Block 8?

22 MS. BAGOCIUS: You said it's one project?

23 UNIDENTIFIED SPEAKER: A single project as

24 performed under multiple contracts by a single entity.

25 Would we be able to present have entire project, or it  
would

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- 1 be limited to a single contract assignment?
- 2 Or if it's an on-call agreement where they do
- 3 individual contract assignments to keep their project  
going
- 4 for a long period of time, does that represent an  
acceptable
- 5 presentation in Block 8, or would we be restricted  
solely to
- 6 a single assignment?
- 7 MS. NOEL: Why don't you let us think on  
that
- 8 question over lunch.
- 9 UNIDENTIFIED SPEAKER: Yeah, I think  
there's a
- 10 similar question, maybe perhaps the one he's asking, and
- 11 that is that on some on-call type contracts or multiple  
task
- 12 order contracts, multiple task orders are used for work  
at a
- 13 single site. That might be considered to comprise a
- 14 project. I think perhaps we need to define what we mean  
by
- 15 "projects."

16 MS. NOEL: Please.

17 UNIDENTIFIED SPEAKER: Because many of us,  
I'm

18 sure, in the past have defined that rather broadly.

19 UNIDENTIFIED SPEAKER: You mentioned the  
total

20 submittal packet being an SF254 and the SF255, the

21 Management Ability, and Section K. But I haven't heard  
any

22 discussion of past performance and if there's a submittal

23 for past performance as well.

24 MS. NOEL: Well, there is, yes, and we  
didn't

25 address it because we hadn't had questions regarding it.

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16 UNIDENTIFIED SPEAKER: And that's just an

17 attachment?

18 MS. NOEL: Yes.

19 UNIDENTIFIED SPEAKER: In terms of the past

20 performance, I think what you're going to be using is the

21 Block 8 and also the question 8.

22 MS. NOEL: Yes.

23 UNIDENTIFIED SPEAKER: You don't want any

24 elaborated presentations in Block 10?

25 MS. NOEL: Block 10. No. That's not  
actually

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1 one just for the past performance that we're looking for.

2 That's just like a segment.

3 And what we're going to be looking at, we're  
going

4 to ask the questions of the people, you know, that

5 questionnaire, for all the people you've worked for that

6 you've given to us, and they're going to be giving us

7 information not just on your management ability but on  
your

8 technical, on your timeliness, and on all the various

9 aspects of the projects that you performed.

10 I think we're starting to get past what we  
already

11 did, and, as you can see, we need to think about these

12 things before we just start talking, so why don't we  
break

13 until 1:00. You have a nice lunch, and we can start  
working

14 on your questions and then come back at 1:00. Hopefully,

15 we'll have a lot more information for you.

16 (Lunch break was taken

17 at 11:00 a.m.)

18

19

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 SEATTLE, WASHINGTON; WEDNESDAY, OCTOBER 9, 2002

2 1:10 P.M.

3

4 --oOo--

5

6 Q\_U\_E\_S\_T\_I\_O\_N\_S\_\_A\_N\_D\_\_A\_N\_S\_W\_E\_R\_S

-----

7 (\_C\_O\_N\_T\_I\_N\_U\_E\_D\_)

-----

8 MS. BAGOCIUS: Thank you all for coming  
back.

9 We went through a lot of the questions, but we didn't  
have

10 enough time to go through all of them, so we're going to

11 answer the ones that we did get through. Some of them  
were

12 duplicates, either what we said before or they were

13 duplicated by somebody else, so we are only answering  
those

14 ones. If you don't think that we've answered your  
question

15 fully, please let us know. We'll try and have some time  
at

16 the end for the rest of them, but, if not, we're just

17 planning to --

18 MS. NOEL: We're going to take another  
break

19 after so many of these questions so that we can take some  
20 more time to get to the questions that we were not able  
to

21 get to. It will be a shorter break though.

22 And there were also some questions that either  
due

23 to handwriting or whatever, we couldn't completely  
decipher,

24 and so if you have not heard your question and you  
believe

25 it was not a duplicate of anything, when we have the time

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QUESTIONS & ANSWERS  
(CONTINUED)

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1     where you can get up at the microphone and give questions  
2     orally, please do so because that just means that we're  
not    3     quite sure what you wanted so we don't know how to answer  
4     it. Okay?

5             So we're going to follow the same way again,  
and    6     Maureen's going to ask the questions, and I'm going to  
give   7     you the answers, and you're going to sit there and hope  
it    8     ends at some point.

9             MS. BAGOCIUS: Interject if you have  
10    11    clarification points on these particular questions, too.

11            MR. KALWEI: And do it loudly.

12            MS. BAGOCIUS: Yes.

13            The question that was asked in the audience  
while 14    15    we were doing the other questions was:

15            Q. Does the 11 point font apply to graphics?

16            A. No.

17            MS. BAGOCIUS: Another question asked by  
the

18 audience:

19 Q. Block 8. Define "project."

20 A. This is how we're going to define "project."  
That

21 seemed to be a big problem for everyone. One or more  
22 activities performed at an individual site; it can  
include

23 multiple task orders or contracts or work assignments,  
but

24 it has to at least be one activity and it's at a given  
site.

25 But it could be 12 activities at a given site. Okay. I

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 hope that clarifies it because we really went round --

2 that's what took us so long, and we couldn't answer all

3 those other questions.

4 MS. BAGOCIUS: Is there a question on that?

5 No? Okay.

6 Q. Can each team sub submit a separate 254?

7 A. Each team member may submit an SF254. Only one

8 SF255, however, may be submitted per team.

9 MS. NOEL: They like that answer.

10 UNIDENTIFIED SPEAKER: Yes.

11 MS. BAGOCIUS: I see smiles. Does that  
make

12 sense?

13 UNIDENTIFIED SPEAKER: Yes.

14 UNIDENTIFIED SPEAKER: Going back to the

15 previous question, with that definition of more than one

16 activity at the same site, if it's multiple contracts,  
it's

17 going to raise the ratio with regard to the information  
that

18 goes in the top of the Block 8 form, dollar amount;  
dates.

19 You may have three or four of them, project managers with  
20 different contracts.

21 MS. BAGOCIUS: That's a good point. Do you  
22 have a solution?

23 MS. NOEL: Do you have a suggestion?

24 UNIDENTIFIED SPEAKER: What we typically  
do is

25 we talk about a contract that we've won, and therefore we

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QUESTIONS & ANSWERS  
(CONTINUED)

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1       have the dollar amount, the dates, the reference, and  
it's  
2       all correct and talked about conclusively. That's what  
3       we're used to submitting, information like in Section 8.

4               What is throwing us all is that we're talking  
5       about projects versus not being able to talk about whole  
6       contract.

7               MS. NOEL: But you might have many, many  
8       projects under that one contract. And that's where we  
were  
9       coming from because, I mean, maybe you've only had two  
10      contracts, but they were big, huge contracts, and you  
11      actually had, you know, 100 different projects you did  
under  
12      those two contracts.

13              UNIDENTIFIED SPEAKER: Although typically  
when  
14      we take the option of whether or not to present it as a  
15      contract for it as an individual project depending upon  
what  
16      works best for the qualifications response.

17              MR. KALWEI: I think that was our original

18 intention to not define whether it was a project or a  
19 contract, to leave it up to the offeror to decide which  
best

20 represents your experience so we can evaluate that.

21 UNIDENTIFIED SPEAKER: Yes, that usually  
works

22 with the options.

23 UNIDENTIFIED SPEAKER: This procurement is  
a

24 pretty broad scope of work. Quite often one project  
cannot

25 really, you know, be described so much of, you know, the

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 scope of work, so you can better do that under a contract  
2 because you have multiple tasks under that contract --  
3 multiple projects, I mean, under that contract that you  
can  
4 cover a broader scope of work, you know, in presenting  
your  
5 capabilities.

6 UNIDENTIFIED SPEAKER: Which is what you're  
7 interested in seeing considering the type of contract  
we're  
8 trying to win.

9 MS. NOEL: In essence, then, you are saying  
10 if we would say that it was at the contract level then  
11 actually we could be getting information on 50 projects  
12 instead of getting information on 10 projects or  
whatever.

13 UNIDENTIFIED SPEAKER: But you're still  
14 interested about pages and --

15 MS. NOEL: Right. So you're asking for the  
16 broader thing and make it very concise.

17 UNIDENTIFIED SPEAKER: Well, for example,  
18 let's say you have a program with the Corps of Engineers

and

19     you've got 50 delivery orders. If there are 20 -- I  
mean,

20     five that are relevant for the scope that's here, so you  
may

21     choose to name that program and just describe those five

22     that are relevant.

23             Or you may have a contract in which everything  
is

24     relevant and you just call it a contract and just write  
it

25     down, down here.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 MS. NOEL: This man's been real patient.

2 UNIDENTIFIED SPEAKER: What about one site  
but

3 somebody has had probably a dozen contracts and two or  
three

4 hundred different staffs over a period of multiple years.

5 Is that one project?

6 MS. BAGOCIUS: That's what we're trying to

7 narrow our decision down on.

8 (Discussion off the record.)

9 UNIDENTIFIED SPEAKER: Although the one  
thing

10 is if you look at the form, which you do keep coming back

11 to, if you look at the form, it does specifically say

12 there's just a couple of fields of information you're

13 required to respond do; dollar amount, the address of the

14 client, the years.

15 I don't see how you can capture that unless you

16 were to put in a midget field if you're covering 20

17 different contracts. I mean, if you look at the form, it

18 kind of dictates how you respond to it.

19 MS. NOEL: Well, that's what we thought,  
but  
20 then it doesn't seem so now because we have different  
21 interpretations.

22 UNIDENTIFIED SPEAKER: Could one solution  
be  
23 that if it's multiple contract numbers with the same  
client  
24 reference, then you can describe the project that you  
did?

25 MR. KALWEI: I think that's a very good

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QUESTIONS & ANSWERS  
(CONTINUED)

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1      possibility. I think there's a whole lot of possible  
ways  
2      of going about this, and I think the bottom line what  
we're  
3      looking for is something representing your experience in  
4      these areas, whether it be by the project, by the  
contract.

5              You're going to be have to make an informed  
6      decision on what you think demonstrates to us your  
ability  
7      to do this work. And I hate to get into trying to define  
8      this where the project is multiple task or multiple  
9      contract, you know. There's so many variations out  
there.  
10     I don't think we can provide a definite definition on  
that.

11             Yes, sir?

12             UNIDENTIFIED SPEAKER: We just want to know  
13     what you're going to ignore.

14             MS. NOEL: Anything outside the page  
limits.

15             UNIDENTIFIED SPEAKER: If we have  
substantial

16     experience and it happened to be on one site and we'd

like

17 to demonstrate more than one project, you won't ignore  
the

18 site?

19 MS. NOEL: No. Why don't we just kind of

20 leave it at this. You know which projects, however you

21 define projects, are going to make you look your best.  
As

22 long as you are within the limitations we place  
spacewise in

23 the proposal, you know, pagewise, all that thing, you  
can do

24 what you think best. How's that?

25 UNIDENTIFIED SPEAKER: Thank you.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 MS. NOEL: Oh, now, come on. How much  
nicer

2 can I be?

3 UNIDENTIFIED SPEAKER: I can give examples  
on

4 that that could pose problems. Do you plan to call or

5 potentially call these references?

6 MS. NOEL: We are going to be calling the  
7 references that you give us in accordance with Clause  
L-8, I

8 believe, the past performance clause.

9 UNIDENTIFIED SPEAKER: But in Block 8 you

10 don't intend to call the references.

11 MS. NOEL: We are going to call the  
references

12 on L-8 given. You guys are so experienced, we just  
cannot

13 call every single person that you've worked for.

14 UNIDENTIFIED SPEAKER: Well, the reason I  
15 raised this is if someone did some work on a GSA contract  
16 and some work on a Corps contract at the same site and  
they

17 put them all down and put the Corps reference and you

call

18 that person and ask about the work on the GSA contract,  
but

19 you don't know the difference in the way its written,  
maybe

20 it's -- and that could make the person with the company  
look

21 as though they're writing something that isn't relevant  
or

22 isn't legitimate.

23 MS. NOEL: I understand.

24 MR. KALWEI: I think in there it calls for  
the

25 nature of work on that site, which would indicate whether

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QUESTIONS & ANSWERS  
(CONTINUED)

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1     you were a prime or a sub or something like that to give  
us

2     some indication of whether or not the reference is going  
to

3     know you as a prime or sub.

4             UNIDENTIFIED SPEAKER: We will talk to the

5     references before we submit them to you anyway.

6             MS. NOEL: Right. And we will be  
contacting

7     every one of the references that you give us under the  
L-8

8     Clause. That's where your score is going to come from on

9     past performance.

10            UNIDENTIFIED SPEAKER: I think a bigger  
issue

11     is if you only had one client, for example, and that same

12     client for every reference, for 10 references for one

13     client.

14            MS. NOEL: Well, that's sort of telling.  
Yes.

15            UNIDENTIFIED SPEAKER: That might be a  
little

16     bit --

17 MS. NOEL: I wouldn't recommend that.

18 UNIDENTIFIED SPEAKER: Okay. I think  
that's

19 what she was getting to.

20 Q. On the open procurement, will the team  
21 subcontractor be part of the subpool or the small  
business

22 small and business goals?

23 A. They are not part of any subpool. However, the  
24 amount of revenue the small business team member receives  
25 shall count towards meeting the subcontracting goals.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 Q. How will the goals for small business, small  
and

2 disadvantaged business utilization be measured with  
respect

3 to team sub utilization?

4 A. Reporting of second level or tier  
subcontracting

5 is not reportable. Only the first tier subcontracting

6 counts towards your subcontracting goals.

7 Q. Is there a minimum amount of work, i.e., 51

8 percent, that must be performed by the prime?

9 A. On the small business set-aside, the prime,  
who is

10 the small business, must perform 51 percent of the  
work. On

11 the full and open procurement, should a small business be

12 awarded that contract, the requirement is not applicable

13 because it was not a set-aside.

14 Q. Please explain "rural" small business  
requirements

15 and goals.

16 A. There is no longer a rural small business goal.

17 Q. When will oral presentations be held?

18 A. Tentatively in early December.

19 Q. How do conflict of interest rules apply to  
firms

20 that have or might in the future work for states or

21 commissions implementing CERCLA activities?

22 MS. BAGOCIUS: Do I have the wrong one?

23 MS. NOEL: You skipped, yes.

24 Q. Answer, please, with regard to both  
solicitations

25 for primes and subs.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1           A. The intent of the Limitation of Future  
Contracting

2           clause is to prevent conflict of interest in cost  
recovery

3           activities should the contractor do follow-on work for  
the

4           PRP, states, or other entities. These decisions can  
only be

5           made on a case-by-case basis. It applies to both prime  
and

6           team subcontractors.

7           MR. KALWEI: Question.

8           UNIDENTIFIED SPEAKER: For our own purpose,  
9           that's a conflict of potential with PRP, the cost  
recovery.

10          Is that --

11          MR. KALWEI: State that question again,  
12          please.

13          UNIDENTIFIED SPEAKER: You said that  
applies

14          to cost recovery activities. So if it's a fund lead

15          project, it would be no problem.

16          MS. NOEL: Oh, I see, yes. We didn't  
consider

17 that.

18 MS. BAGOCIUS: Okay, can you restate  
another

19 question that you might have then?

20 MS. NOEL: We'll write it down for later.

21 So does conflict of interest apply to fund  
lead;

22 is that what you're getting at?

23 UNIDENTIFIED SPEAKER: Well, that's my

24 interpretation of your answer. But there's a situation  
that

25 can come up in this region which a substantial portion of

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 the work is being done on the large project. Gearheard  
2 mentioned this morning that it's going to come through a  
3 commission, and we're interested in knowing if there's  
any  
4 conflicts with those who might work for the state or for  
5 this commission on this contract, if that's a potential  
6 problem.

7 MS. COHEN: Yes. I'm Lori Cohen. I'm the  
8 Manager in the EPA Superfund Program. I work for Mike.

9 Who asked the question? I couldn't see. Okay.

10 I think the answer to that is, again, I would  
be

11 cautious of conflict of interest. There are 50 potential  
12 conflicts that -- it's very closely remedial action work  
for  
13 EPA, at the same time doing work for the commission and  
the  
14 state. As you know, we don't always agree with all  
this, so  
15 there could be a conflict, and I think we have to be  
16 cautious about management.

17 Does that answer your question?

18 UNIDENTIFIED SPEAKER: It answers part of  
it,

19 except it's a fund lead project.

20 MS. COHEN: Well, I'm trying to have some  
21 quality on the particular 2(a) project. When we're  
moving

22 forward on the fund lead project, there's still a  
potential

23 that we're looking for additional guarantees, and we may

24 cost recover at a later date, even though we've made the

25 decision for whatever reason to take a fund lead action.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 But, again, you've got to be really cautious about the  
2 situation.

3 UNIDENTIFIED SPEAKER: And what's your  
4 definition of a project? Seriously, is that sited or is  
5 that an individual work element?

6 MR. KALWEI: Normally, when there's a  
conflict  
7 of interest, it goes by the site.

8 UNIDENTIFIED SPEAKER: Well, can we  
request a  
9 formal determination on that?

10 MR. KALWEI: You'd have to be specific  
about

11 the situation that you're in before we make a  
determination

12 if it's a conflict of interest or not. I mean,  
13 generalities -- we've done the best we can.

14 UNIDENTIFIED SPEAKER: So how do I go about  
15 doing that?

16 MS. BAGOCIUS: Why don't you go ahead and  
17 write your specific question on a card, and then we'll  
take

18 it back with us and formulate an answer for you.

19 Q. What is the makeup of the selection committee?

20 A. The Architect Engineering Evaluation Board is

21 comprised of scientists and engineers in Region 10 in the

22 Superfund area. The selection official is in Region 7.

23 Q. Does the same selection committee participate  
in

24 the selection process all the way through?

25 A. Yes.

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QUESTIONS & ANSWERS  
(CONTINUED)

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1           Q. The scope of work (attachment A, page 4) says  
the  
2           contractor will implement the design remedies. In  
previous  
3           conversations, remedial construction was excluded from  
the  
4           small business scope. Does the small business contract  
5           include construction?

6           A. This applies to nontime critical removal  
actions  
7           only. It does not apply to the implementation of  
remedial  
8           actions. This is applicable to both RFPs.

9           Q. Will teams for the two different solicitations  
be  
10          compared during the selection process? For argument's  
sake,  
11          the two top ranked teams are identical but with different  
12          primes (one large, one small).

13          A. Offerors will be individually evaluated under  
each  
14          solicitation, no comparisons.

15          Q. Block 8. Should the projects be the same as  
those

16 required by the past performance information?

17 A. It is up to the offeror.

18 MS. NOEL: That's all we wrote, yes.

19 Q. Block 10. Is the past performance information  
20 list considered an attachment to Block 10?

21 A. No.

22 Q. Past performance information list of contracts.

23 Can you be more specific on "similarity"? Are you  
looking

24 for major programs? multiple site contracts? single site

25 RI/FS/RD/RA? EPA lead only? state "Superfund" projects?

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QUESTIONS & ANSWERS  
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1           A. Offeror should use it's own discretion to  
provide

2           us with the appropriate relevant information.

3           Q. Again, on past performance information, is  
there a

4           limit on the length of the lists for primes and subs?

5           A. Offeror shall submit a list of all or at least  
6           three contracts and subcontracts completed within the  
last

7           three years and all contracts and subcontracts currently  
8           in-process which are similar in nature to this  
requirement

9           (see Clause L.8(b)). It's right in there.

10          Q. Past performance questionnaire. Can/should we  
11          send these to the clients in advance?

12          A. No. EPA will take care of sending out those  
13          questionnaires.

14          Q. Does EPA anticipate creation of a subcontractor  
15          roster/database for remediation contractors? If so, how  
can

16          a firm become listed?

17          A. No, not under this contract. However, our  
small

18 business office in headquarters maintains such a list.

19 Q. Can remediation contractors contract directly

20 with EPA as opposed to "subposition" through

21 consulting/engineering firms?

22 A. Yes.

23 Q. Okay, Block 9. Are these five additional  
projects

24 in addition to Block 8?

25 A. Block 8 asks for projects relevant to this

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1 procurement. Block 9 asks for work currently being  
2 performed for Federal Agencies. So there's a difference.  
3 One's projects; one's just Federal Agencies.

4 Q. Section L.8 says to submit a list for all  
5 contracts within the last three years. Is that for both  
the  
6 prime and the sub? Where in the 255 does this go?

7 A. Information provided relative to Clause L.8  
Past  
8 Performance shall be submitted as part of the proposal  
9 package. Information should be submitted for both prime  
and  
10 team subcontractors.

11 Q. Regarding the requirement for background checks  
12 for contractor employees, is EPA planning to issue  
security  
13 clearances for contractor employees?

14 Also, why are EPA's requirements more rigorous  
15 than DOE uses for access to nuclear waste sites?

16 A. Well, the answer to the first part was no. The  
17 answer to the stringency in regards to DOE is this is an  
18 Agency requirement. We don't know why, but that's our

19 requirement. That's what our Agency has determined.

20 Q. Reports of work does not require contractor to  
21 provide electronic data files to EPA Headquarters. Will  
22 data files be required to be provided to the region or  
23 headquarters in the future?

24 A. Not at this time, but the reports of work is  
25 always subject to change.

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QUESTIONS & ANSWERS  
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1 (Discussion off the record.)

2 MS. BAGOCIUS: Do you want to go ahead and  
3 just read those? These are pretty short.

4 MS. NOEL: Okay.

5 Q. The labor categories given in RFP Section B.1  
are

6 suggestions. Is there any guidance on which labor  
7 categories are desired?

8 A. No.

9 MR. KALWEI: I love those answers.

10 Q. Under what circumstances will the contractor  
11 perform work in Mexico or Canada as described in the  
12 statement of work on page 2?

13 A. When we decide it is necessary, most likely on  
14 border sites.

15 Q. In reports of work, page 4, is the cost of  
16 preparing work plans, project chargeable and  
reimbursable?

17 A. No, it is not.

18 Q. In reports of work, page 4, when is the scoping  
19 meeting typically scheduled?

20       A.   The answer is before the task order is placed.

21       Q.   Is the scoping meeting part of the work  
assignment

22       statement of work?

23       A.   No, and we will be using task orders, not work

24       assignment.

25       Q.   Is the scoping meeting reimbursable?

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QUESTIONS & ANSWERS  
(CONTINUED)

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1 A. No.

2 Q. For SF255, is there an overall page limit for  
the

3 total form?

4 A. Yes, 255 plus four pages.

5 Q. In the SF255, Block 4, can we include the  
offices

6 and number of personnel of our team partners in addition  
to

7 our own?

8 A. Yes.

9 Q. In SF255, Block 8, is there a limit to the  
number

10 of project descriptions?

11 A. Yes, 10 as shown on the form.

12 Q. In SF255, Block 10, is the specified four-page  
13 attachment on the management approach as it pertains to  
the

14 evaluation criteria in addition to Block 10, or is it the

15 entire contents of Block 10?

16 A. It's in addition to.

17 Q. In SF255, Block 10, is there a page limit to  
the

18 entire Block 10?

19 A. Yes, the one page.

20 Q. Performance Questionnaire. What are the

21 instructions for using this questionnaire? Can we use a

22 reformatted questionnaire with identical content but

23 reformatted in terms of text font size, spacing, and  
overall

24 appearance?

25 A. This is not for your use. This is for our use.

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QUESTIONS & ANSWERS  
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1 EPA will use this form. It is there to show you what  
we're

2 going to be asking your people that you've worked for.

3 Q. When are the performance questionnaires to be  
4 sent?

5 A. We will be sending them after we receive your  
6 SF254s and 255s, your whole proposal package. So during  
the  
7 evaluation phase we'll be getting that information.

8 Q. Referring to Item H of the instructions for  
9 preparation of the SF254s and 255s, is the maximum  
number of  
10 pages allowed per Block 10 one page plus the four pages  
for  
11 the attachment, or may Item 10 be an unlimited number of  
12 pages?

13 A. That's two different things. Block 10 is that  
one  
14 page. The attachment is the four pages. There are no  
15 unlimited number of pages.

16 Q. Referring to Section L.8, past performance  
17 information, there is information referenced in Section

18 L.8(b)(1) that does not appear on the past performance

19 questionnaire.

20 May we create our own past performance

21 questionnaire to include all of the information  
requested by

22 this section?

23 A. No, you may not. That's our form, and we'll  
ask

24 what we like.

25 Q. Referring to Section L.8(c)(1), is the  
information

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1 on problems encountered and corrective actions taken to  
be

2 included on the past performance questionnaire?

3 A. No.

4 Q. Referring to Section L.8(f), is the  
information on

5 quality awards to be included on the past performance

6 questionnaire?

7 A. No.

8

9 \* \* \* \* \*

10 D\_I\_S\_C\_U\_S\_S\_I\_O\_N\_\_O\_F

-----

11 Q\_U\_E\_S\_T\_I\_O\_N\_S\_\_A\_N\_D\_\_A\_N\_S\_W\_E\_R\_S

-----

12 MS. NOEL: This is as far as we got on any  
of

13 our questions that we received. I think that was pretty

14 good for a lunch.

15 So does anybody have any questions relative to

16 these questions that we just went over, that we should  
maybe

17 try to address before we take a break and give us a

little

18 more time to address some of others of your questions  
that

19 didn't get to?

20 MR. KALWEI: If you do, please come up to  
the

21 mike.

22 MS. NOEL: Yes, because she's really  
having a

23 hard time. She needs to pick all this up and transcribe  
it.

24 It's for your benefit.

25 MR. KALWEI: That, and we hope it holds the

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1 questions down.

2 UNIDENTIFIED SPEAKER: Okay. I just need a  
3 clarification. This morning did I hear that we had two  
4 pages for all of our 10 projects in Section 8, or is it a  
5 double-sided page for each of the 10 projects in Section  
8?

6 MS. NOEL: Block 8 of 255; that was in the  
7 first group of questions.

8 MS. BAGOCIUS: Okay, each project  
description

9 shall be limited to one sheet of paper, 8-1/2 by 11,  
with no

10 less than 1/2 margins and no less than 11 point character  
11 size.

12 UNIDENTIFIED SPEAKER: But is that each of  
the

13 entire --

14 MS. BAGOCIUS: Each project description  
shall

15 be limited to one page.

16 UNIDENTIFIED SPEAKER: Right.

17 MS. BAGOCIUS: One sheet, double-sided.

18 UNIDENTIFIED SPEAKER: So we actually get  
20

19 pages for Section 8 then.

20 MS. NOEL: For Block 8.

21 UNIDENTIFIED SPEAKER: Okay.

22 MS. NOEL: We know this is different than  
23 you're used to, but we think we can still get some really  
24 good information.

25 Yes?

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1 UNIDENTIFIED SPEAKER: You know, in the L.8  
2 requirement, it looks like it's going end up being a  
major  
3 source.

4 MS. BAGOCIUS: What was the beginning of  
the  
5 question?

6 MS. NOEL: L.8, I think.

7 UNIDENTIFIED SPEAKER: L.8.

8 MS. NOEL: Okay.

9 UNIDENTIFIED SPEAKER: Because you have the  
10 listing of the projects and then a number of parameters  
that  
11 you have to provide information for.

12 Some companies, maybe a couple of  
billion-dollar

13 companies, may have hundreds. Is there a requirement  
that  
14 we put everything in or just a minimum of three and then  
as  
15 much as we would like to put in?

16 MS. NOEL: It's a minimum of three. There  
is  
17 no limit of what you give us in that time frame. If you

18 choose just to give us 10, that's fine; whatever number  
you

19 think is appropriate.

20 Anyone else right now?

21 UNIDENTIFIED SPEAKER: I think I heard you  
say

22 that there is a page limitation on the whole of 255, but  
I

23 don't know how many pages that -- and then we talked  
about

24 Block 8, Block 10, Block 9, but Block 7 is for resumes,  
and

25 we understand your form is two resumes on one page.

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1 MS. NOEL: Right.

2 UNIDENTIFIED SPEAKER: But since you didn't  
3 specify the type of personnel, it's up to us, so what is  
the  
4 page limitation on Block 7?

5 MS. NOEL: All we have said on Block 7 is  
that  
6 you may make copies of that page because it's a whole  
page.

7 It does not say how many. If you give us 20, you give  
us 20  
8 in Block 7. If you give us 10, you give us 10.

9 UNIDENTIFIED SPEAKER: If that's the case,  
10 then what's the total limit on that folder? Is there a  
11 total limit?

12 MS. NOEL: Well, I would say that on the  
total  
13 there is not a page limit because Block 7 is an  
open-ended

14 one. So we couldn't give you a percent and page limit  
15 overall, although there are page limits on specific  
blocks,  
16 specific sections. But there certainly isn't one on 7.

17 MS. BAGOCIUS: But one more thing on that,  
18 though; it's a brief resume of the key persons and  
19 specialists and individual consultants. So, you know,  
it's  
20 for key people who are going to be performing on the  
21 contract and submit those.

22 MS. NOEL: It's not for every single  
employee.

23 UNIDENTIFIED SPEAKER: Do the large  
business  
24 subcontractors on the small set-aside have to live with  
the  
25 OCI provisions of the small business? In other words,  
could

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1 large business X go then work in Idaho and small  
business Y

2 is actually doing the work for EPA?

3 In other words, if business X came to me as a

4 small business, are they going to be -- well, I'm not  
going

5 to go bid for remediation work in Idaho for them. Are  
they

6 an employed business as well?

7 MS. NOEL: When it's your conflict?

8 UNIDENTIFIED SPEAKER: We sign an OCI  
clause

9 with you guys, and we exercise the contract. That would

10 preclude us from doing remediation work if we were doing

11 frontline work or doing cost estimates or doing other

12 documentation.

13 We could probably do that as a small business

14 without involving our large business subcontractor, but  
if

15 we pull down the entire OCI clause, we're going to be

16 conflicted out doing that work or bidding that work or

17 fighting in that sandlot, so to speak.

18           So how are you going to manage OCI?

19           MS. NOEL: If we're understanding you

20   correctly, if you are a team subcontractor, then, yes,  
you'd

21   be "conflicted out," using your term. If you were just a

22   regular sub, not part of a team --

23           UNIDENTIFIED SPEAKER: Not part of the  
bid; in

24   other words, no resume, no project descriptions.

25           MS. NOEL: Correct, right. Yes, you came  
on

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1 at some point because they needed your services and you  
were

2 charged as an ODC subcontract cost. Then that OCI, that  
3 would not be addressed.

4 UNIDENTIFIED SPEAKER: So the large  
5 businesses, then, if I'm talking about teaming with them,  
6 they need to know that they will not be able to bid jobs  
7 that come through that we're doing any work on for EPA.

8 MS. NOEL: Well, that's not necessarily  
9 because there is always -- any kind of conflict we look  
at  
10 individually.

11 UNIDENTIFIED SPEAKER: Well, what we would  
do  
12 is mitigate it by saying big business tasks, you can not  
13 perform any of the work associated with the Coeur d'Alene  
14 cleanup. The prime will do that. And we'll mitigate  
15 through OCI to go bid on it.

16 MS. NOEL: And I would say that that can  
work,

17 but I don't want to say all the time yes or no here  
because

18 we do look at every single one, and sometimes when there  
is  
19 a conflict, there is sufficient mitigation that we can go  
20 ahead with that company doing the work. Other times,  
there  
21 is not.

22 UNIDENTIFIED SPEAKER: So you'll look at  
the  
23 bid.

24 MS. NOEL: Yes, we would do that.

25 UNIDENTIFIED SPEAKER: A touchy issue is  
the

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is 1 small businesses in a team environment, the big business  
2 asking us -- you know, there's \$350 million out there in  
3 cleanup work, and if we team with you and we win, does  
that 4 automatically conflict us out of doing any of that work  
in 5 the future, whether we're on task or not?

6 MS. NOEL: I don't think there's any  
7 automatics.

8 UNIDENTIFIED SPEAKER: Okay.

9 MS. NOEL: It's not an automatic. We'll  
look 10 at it.

11 UNIDENTIFIED SPEAKER: You guys at EPA  
12 softened the conflict of interest.

13 MS. NOEL: Yes?

14 UNIDENTIFIED SPEAKER: Perhaps I'm  
digressing 15 into a whole separate environment here. I noticed in  
these 16 offerings that there was nothing there for remediation

17 services, and I was wondering how that was going to be

led,

18       whether that's going to be through the Corps of  
Engineers,

19       whether you're going to establish a database of  
20       subcontractors drawn from to do the work, or is it going  
to

21       be left to rectify the EPA through the subcontractors?

22               MS. BAGOCIUS: When you say "remediation  
23       services," are you talking about the RA element?

24               UNIDENTIFIED SPEAKER: The actual cleanup.

25               MS. BAGOCIUS: Yes, okay. Yes, that is  
being

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1 left out of the statement of work.

2 MS. NOEL: We intend to issue site specific  
3 contracts for that, the EPA will, so that the contractor  
4 that would get this procurement may be doing oversight of  
5 that, but they won't be doing the subcontracting for that  
6 anymore. EPA's going to take that on.

7 Now, in some cases, it could be possible that  
we  
8 would turn it over to the Corps, as we've done sometimes  
in  
9 the past, but our main focus now is to try to do site  
10 specific contracting for that.

11 UNIDENTIFIED SPEAKER: How does one get  
12 involved ahead of time as a subcontractor to do the  
13 remediation work?

14 MS. NOEL: Well, I would probably suggest  
you  
15 talk with Mr. Sutton over here because they do have  
lists of  
16 contractors and that, and so when we're looking for  
17 contractors, we would go to a resource like that to get  
18 names of different contractors that are capable.

19 UNIDENTIFIED SPEAKER: Thank you.

20 MR. KALWEI: This constructing contract  
will

21 be competitive as stand-alone contracts, so there's not

22 going to be any subcontracts involved in that. So it  
will

23 be prime contracts for a construction activity.

24 As Marie said, there may be some that goes to  
the

25 Corps of Engineers, but, hopefully, the majority of them

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1 will be direct procurements, and we will work with Dave  
2 Sutton's office about small business set-asides. There  
are  
3 some opportunities for that as well.

4 UNIDENTIFIED SPEAKER: Thank you.

5 MS. NOEL: That is -- oh, okay. These are  
6 hard questions.

7 UNIDENTIFIED SPEAKER: I'm going to make a  
8 statement and then try to turn it into a question. But  
9 there are many of us who have survived all these years by  
10 working for states and tribes. It looks to me like  
you're  
11 creating a situation here in which you say you want to  
12 solicit small business. But you're making us the poison  
13 pill to swallow for anybody else.

14 Is that part of the consideration that went  
into  
15 developing this program?

16 MS. NOEL: I don't think we understand why  
17 you're thinking of it that way. Perhaps you could  
18 illuminate us because I don't --

19 UNIDENTIFIED SPEAKER: Well, I think you  
told

20 us the conflict of interest was only for the contract

21 because we work for the state.

22 MS. NOEL: No. I don't think we said that.

23 MR. KALWEI: If we left that impression,

24 that's the wrong impression.

25 MS. NOEL: That's not right.

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you

2

that

4

5

to

conflict or

8

9

you've

have

13

14

for.

16

17 the -- so you have projects now with the state?

18 UNIDENTIFIED SPEAKER: Yes.

19 MS. BAGOCIUS: And you're thinking just

20 because you have projects with the state that  
automatically

21 conflicts you out of proposing for these contracts.

22 UNIDENTIFIED SPEAKER: That's my immediate

23 worry. Well, it's not quite just out of the \$359 million

24 contract.

25 UNIDENTIFIED SPEAKER: This one will  
conflict

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1     you out of doing -- performing a \$360 million contract.

2             MS. NOEL: Well, I don't know what contract

3     that is.

4             UNIDENTIFIED SPEAKER: I'm a prime on  
this. I

5     can't -- and then work. And if the big, large business  
is

6     doing the oversight, then we're going as a small  
business to

7     go after some of that work. You have two contractors, so

8     the big business one is tasking to do the Coeur d'Alene

9     work, the potentially small business would go after your

10    procurement statute to form that one.

11            This is the risk, the problem facing the small

12    businesses, though, looking at big business  
subcontractors.

13    They're looking at that's the majority of work. Do they

14    want to team on something like this and potentially  
conflict

15    themselves from performing or bidding on the performance  
of

16    that work.

17            And that's the difference between this contract

18 and the last contract. The last contract had the

19 performance in it. This one doesn't.

20 MS. BAGOCIUS: Right. It's kind of

21 interesting since our current RAC contract, the way it's  
set

22 up is we do conflict of interest checks both with our  
prime

23 and with our team, but they're done separately, and if  
our

24 prime conflicts out, we go to the team, and we say, Do  
you

25 conflict out? If they say no, then we'll give the work

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1 assignment, which is what it is now, to them, regardless  
of

2 whether the prime or the team conflicted out.

3 So the team or the prime is not conflicting  
each

4 other out of work. If they conflict as a firm -- you  
know,

5 if each one conflicts out as a firm, then that just  
affects

6 their own firm. It doesn't affect the other team. And I

7 imagine it will be the same way.

8 UNIDENTIFIED SPEAKER: So help me out.  
What

9 does that mean?

10 MS. BAGOCIUS: That means that if you as a  
11 team subcontracted to a prime conflict out of a site, it  
12 doesn't necessarily mean that the prime is going to  
conflict

13 out of that site as well because you do.

14 UNIDENTIFIED SPEAKER: As a team member.

15 MS. BAGOCIUS: As a team member, they get a  
16 shot at that task order as well. They don't conflict  
out of

17 it. They're separate from your firm.

18 MS. NOEL: We would probably just say on  
this

19 particular site since the team sub had a conflict that  
they

20 do not work on it, that just the prime would work on it.

21 UNIDENTIFIED SPEAKER: And so let me  
22 complicate it just a little more so everybody in the room  
23 knows the secret. We don't own these contracts for life,  
24 although it seems like it for some of us. But there are  
25 firms in the room here who have state contracts, private

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1 contracts, other Federal Agency contracts on this site

2 because it's a big site.

3 MS. BAGOCIUS: Are you talking about the  
Coeur

4 d'Alene site?

5 MS. NOEL: I think so.

6 UNIDENTIFIED SPEAKER: And so that  
7 determination would be made, as I understand it,  
according

8 to what the status was at that time. So we historically

9 work for someone else, but that contract terminates, and

10 then they would be eligible to work --

11 MS. NOEL: Well, we would have to look at  
what

12 kind of work you did do and that. We would just take all

13 the facts under consideration.

14 MS. BAGOCIUS: You just have to look at  
your

15 contract with the state or the other entity and see if

16 there's a future of contracting limitation in that  
contract

17 as well. That might conflict you out of getting this

18 contract.

19 UNIDENTIFIED SPEAKER: We understand our  
state

20 contract. We don't understand yours, so --

21 Thank you.

22 MS. NOEL: Anything else before we take a

23 break to create some more?

24 THE AUDIENCE: (No response.)

25 MS. NOEL: How about if we come back at

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1       quarter after two? Quarter after two, and that will  
give us

2       a little time to grind some out.

3                       (Proceedings at break.)

4       Q. Block 9 --

5               MS. BAGOCIUS: Is everybody ready?

6               MS. NOEL: We're ready.

7               MS. BAGOCIUS: Guess what block we're  
going to

8       talk about?

9       Q. You ask to show five federal projects. Is this  
10       five just for the prime or a team combined five projects  
or

11       five for each team/firm? You ask for a description. An

12       abstract or follow the same criteria as for Section 8?

13       A. Short answer. This applies to the combined  
team.

14       Q. Since Block 6 provides a place to list team

15       subcontractors, why must they also be listed in Sections

16       1-3?

17       A. And I'm not being smart; that's the directions

18       provided on the form. That's the reason.

19           Q. In what block do you want the "capacity"  
criteria

20           addressed?

21           A. Capacity issues are addressed in various blocks

22           throughout the forms.

23           Q. We are confused over the small business  
goals. Is

24           the large business required to address the 23.5 percent  
goal

25           or the 50 percent goal?

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1 MS. BAGOCIUS: And I'd like Dave to come  
on up

2 and clarify those goals.

3 MR. SUTTON: Thank you. The short answer,  
4 forget about the 23.5 percent. The 23.5 is EPA's small  
5 business goal for prime contracts. Your only concern  
here

6 would be the subcontracting goals. Those goals are 50  
7 percent for small businesses, which includes 20 percent  
for

8 small and disadvantaged, 6 percent for 8(a), 3 percent  
for

9 HUB/zones, 3 percent for service disabled veterans.  
That's

10 it.

11 MS. BAGOCIUS: This one was submitted on  
12 permits. And does anyone remember if you submitted this  
13 one, because we want this one restated? It's regarding  
--

14 MS. NOEL: Clause H-20.

15 MS. BAGOCIUS: I'll go ahead and read it  
off,

16 but if no one claims it, we're going to skip it because  
it's

17 a little bit confusing to us.

18 Q. Would you clarify the extent of permitting that  
19 the contractor is expected to acquire at their cost? For  
20 example, would this requirement include preparing  
biological  
21 opinions to meet the substantive requirements of federal  
22 permits such as Section 10 or Section 404?

23 UNIDENTIFIED SPEAKER: That was addressed  
from  
24 someone in my group that has left. I can probably try to  
25 clarify it.

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1 MR. KALWEI: Could you come up, please.

2 UNIDENTIFIED SPEAKER: I'm not really a  
3 specialist.

4 UNIDENTIFIED SPEAKER: I think  
clarification

5 is probably when we're working for EPA and a project  
6 requires a permit, would that firm have to acquire the  
7 expense to go through the process to get the permit.  
8 from that whole biological opinion, you know, that takes  
9 staff hours to put together that report. Would EPA  
confirm  
10 for me --

11 MS. BAGOCIUS: I'm not aware of any permit  
12 that --

13 MS. COHEN: Yes, you probably wouldn't need  
14 any permits for Superfund action, but in that specific  
case,  
15 you know, that would be part of your contract. You would  
16 have to take on the biological assessment. You know,  
that  
17 would be part of your task order? Is that what you're  
18 calling it?

19 MS. BAGOCIUS: That would be part of the  
20 contract.

21 UNIDENTIFIED SPEAKER: And I'm not sure  
about  
22 where he was coming from.

23 MS. BAGOCIUS: Okay.

24 Q. What sites, if any, are radiologically  
25 contaminated?

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1 MS. BAGOCIUS: And I have the answer to  
this.

2 MS. NOEL: Do you want to go?

3 MS. BAGOCIUS: Yes.

4 A. This was already directly answered by somebody  
who

5 asked the question in the hallway, but we're going to go

6 ahead and let you know that.

7 Besides DOE sites, we have Midnite Mine.  
There's

8 also a private party site in Eastern Washington. This  
site

9 is in the RI/FS phase of CERCLA work. For PRP lead  
sites,

10 Teledyne Wah Chang, and that's all they could think of at

11 the time. There may be others. There may be others  
coming

12 through the pipeline.

13 Q. Do we send an authorization letter and

14 questionnaire to every listed past performance project?

15 A. Offeror shall send a client authorization  
letter

16 to each reference provided under Clause L.8.

17 MS. BAGOCIUS: Okay, there was another one  
on

18 here we wanted to clarify from the person who asked this.

19 Q. Where would the past performance matrix be  
placed

20 in the SF255?

21 MS. BAGOCIUS: Does anyone want to claim  
that

22 one?

23 UNIDENTIFIED SPEAKER: That was the -- I  
got

24 that answer. It was A and B, the A and B phase of the  
past

25 performance.

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1 MS. BAGOCIUS: Okay.

2 Q. You mentioned Silver Valley (the box) largest  
3 program. Isn't this going to be managed by the state of  
4 Idaho? What will the RAC contractor actually do on  
behalf  
5 of EPA?

6 MS. BAGOCIUS: I got an answer from our  
unit  
7 manager that was here before.

8 A. The Basin Commission will be implementing the  
ROD,  
9 and it's currently forming right now and will consist of  
the  
10 state of Idaho, the Coeur d'Alene Tribe, three county  
11 commissioners, state of Washington, and a federal  
12 representative of EPA. They're going to come up with  
some  
13 kind of cooperative agreement to implement the ROD.

14 Right now, though, we are tasked with starting  
RD  
15 work. We'll probably continue with various treatability  
16 studies, any other human health risk assessments or eco  
risk

17 assessments; we're going to continue working on some of  
18 that, and we'll probably have some oversight activity.

19 So does that answer your question?

20 UNIDENTIFIED SPEAKER: (Speaker nodded.)

21 MS. BAGOCIUS: And that was all the  
questions

22 that we got.

23 MS. NOEL: So now we'll open it up, and if  
you

24 have any questions that you want to try out here -- but  
you

25 will have to get up and use the microphone in the middle  
of

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1 the floor, or you can leave.

2 UNIDENTIFIED SPEAKER: Marie, will a copy  
of

3 the past performance questionnaire be going to you? It's

4 stated in the RP that we send something for our clients.

5 MS. NOEL: That's the client authorization

6 letter.

7 UNIDENTIFIED SPEAKER: Right. That's what  
I'm

8 referring to. Have you received a copy of that --

9 MS. NOEL: No.

10 UNIDENTIFIED SPEAKER: -- at the time?

11 MS. NOEL: No. It's up to you. You can  
copy

12 me if you'd like. But it's up --

13 UNIDENTIFIED SPEAKER: Can you review the

14 statement that's --

15 MS. NOEL: Okay, am I forgetting something?

16 It's possible.

17 UNIDENTIFIED SPEAKER: The offeror should

18 forward a copy of the client authorization letter to the

19 contracting officer simultaneously with mailing two  
20 references.

21 MS. NOEL: Well, that's your answer.

22 MS. BAGOCIUS: There's your answer.

23 UNIDENTIFIED SPEAKER: And that's you,  
though?

24 MR. KALWEI: Yes.

25 MS. NOEL: That would be me, yes.

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1 UNIDENTIFIED SPEAKER: Okay.

2 MS. NOEL: At the 901 North Fifth Street in

3 Kansas City. I am not out here.

4 UNIDENTIFIED SPEAKER: Right. So you'll be

5 receiving, then, that same submission twice --

6 MS. NOEL: What do you mean?

7 UNIDENTIFIED SPEAKER: -- because we're  
also

8 to include that in our submittal, that same --

9 MS. NOEL: No.

10 UNIDENTIFIED SPEAKER: Because we're going  
to

11 be informing you who we're sending our client  
authorization

12 letters to in the submittal.

13 MS. NOEL: Yes. Right. But that wouldn't  
be

14 the letter. You'll send me a copy of the letter when you

15 send it to your clients, and then you'll be sending me  
the

16 listing of your clients per the L.8. It's not the  
letter.

17 UNIDENTIFIED SPEAKER: Understood.

18 MS. NOEL: So, yes, in a way I am getting  
it

19 twice, but that's just the way it is.

20 UNIDENTIFIED SPEAKER: And, actually, it  
also

21 states that the client authorization letters should be

22 mailed or emailed. But they can actually be sent out  
after

23 we submit our proposal to you.

24 MS. NOEL: Yes.

25 UNIDENTIFIED SPEAKER: In Kansas City,  
okay.

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1 MS. NOEL: Yes.

2 UNIDENTIFIED SPEAKER: Okay, I see. I just  
3 wanted a clarification. It seemed unusual.

4 MS. NOEL: Would you like me to change  
that?

5 UNIDENTIFIED SPEAKER: No. I just wanted  
to  
6 make sure.

7 MS. NOEL: Anything else?

8 UNIDENTIFIED SPEAKER: Yes. This morning  
9 there was a question about work plans, and I believe the  
10 answer was they are not reimbursable.

11 Would you be more specific about what kind of  
work

12 plans? Are we talking project execution plans?

13 environmental work plans? things having to do with how  
the

14 work is conducted? I'm not sure exactly what that

15 definition of "work plan" in this case means.

16 MS. NOEL: Well, let's refer to it as a

17 proposal because in a way you're going to be having

18 proposals all along because you'll have a proposal for

every

19 task order. Okay?

20 Under the current RAC contracts, we have work

21 assignments and we call them work plans, and basically  
it is

22 going to be a work plan. It's going to be having a

23 technical aspect and a cost aspect. It's going to tell  
me

24 how you're going to be doing the statement of work that

25 we've given you for that particular activity, and it's  
also

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1       going to have a cost portion that's going to say this is  
how

2       much we think it's going to take. Okay?

3               Now, the reason it's not directly reimbursable  
is

4       because of the kind of contract we're doing. Since we're  
5       having a fixed rate IDIQ contract, the kinds of costs  
that

6       go into proposal preparations, tending the scoping  
meeting,

7       all that prior to having an actual awarded task order in  
8       place, are in your fixed rate.

9               So it's not just like because you pay John \$10  
10       that your rate is \$10. It's that rate that you pay him  
plus

11       these other things, the profits and the overheads, that  
type

12       of -- a lot of it is probably what you had under your

13       program management previously, and under these contracts

14       there will be no separate item called "program  
management."

15       It will be invisible basically.

16               So it's all included in your loaded rate, so we

17       won't see it as, oh, it took you \$10 to prepare a work  
plan.

18       We won't see that.

19               Did that clarify it enough?

20               UNIDENTIFIED SPEAKER: (Speaker nodded.)

21               UNIDENTIFIED SPEAKER: I suppose you're  
going

22       to issue an amendment to officially respond to all the

23       questions.

24               MS. NOEL: Yes, we are.

25               UNIDENTIFIED SPEAKER: Okay. So I  
understand,

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1 the RFP has given the contractor 20 days upon the day of  
the

2 release to send any questions.

3 MS. NOEL: Right, which would bring it to

4 October 17th.

5 UNIDENTIFIED SPEAKER: So are you going to

6 wait until after the October 17th to --

7 MS. NOEL: To do the amendment?

8 UNIDENTIFIED SPEAKER: -- do all the --  
yes,

9 the comments, the responses?

10 MS. NOEL: No. As soon as I have it all

11 ready, we have the transcript and anything else that we

12 needed to add for our correct-- because you remember I  
said

13 there was a correction or two we need to make -- as soon  
as

14 that's ready, we'll post that amendment.

15 If I get more questions in after that date  
prior

16 to the 17th, which is when you have it until, then I'll  
have

17 to do a second amendment. But I'd really love it if you

got

18       them in quick, and then we wouldn't have to do a second  
one.

19                   UNIDENTIFIED SPEAKER: I have a question  
about

20       task orders. The way that they will be negotiated is on  
the

21       basis of the rates that are predetermined, correct?

22                   MS. NOEL: Yes. Correct.

23                   UNIDENTIFIED SPEAKER: How will they be  
24       invoiced? Will they be invoiced on an hourly basis up  
to a

25       ceiling amount, or will they be invoiced by percentage of

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1 work week basis?

2 MS. NOEL: On an hourly basis, unless we  
give

3 you -- well, even so, we might have fixed price orders at

4 some times for some projects. The majority, I believe,  
will

5 be ceiling price. But you would be billing them by the

6 hours and ODCs that you have incurred for that month's  
time.

7 UNIDENTIFIED SPEAKER: On past  
performance, in

8 addition to the evaluation of projects that are listed  
under

9 L.8, will the evaluation also include a review of

10 performance information that is currently in the NIH

11 performance evaluation database?

12 MS. NOEL: If you have contracts that are  
in

13 the NIH database, we will go look at that and see what it

14 says. Yes. All contractors may not have that.

15 UNIDENTIFIED SPEAKER: What about the ACAS

16 database?

17 MS. BAGOCIUS: What about what?

18 MS. NOEL: ACAS? We don't use that one.  
Do

19 you want to tell me about it and I can. We don't use  
that

20 one.

21 MR. KALWEI: We don't have access to it.

22 UNIDENTIFIED SPEAKER: This may have been

23 asked already, but I'm confused on we're going to have 10

24 projects in Block 8. We've got multiple projects as  
many as

25 we want to submit in L.8 of the RP.

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DISCUSSION/QUESTIONS &  
ANSWERS 100

1 MS. NOEL: For three years.

2 UNIDENTIFIED SPEAKER: For the past three?

3 MS. NOEL: Yes.

4 UNIDENTIFIED SPEAKER: So would you take  
into  
5 consideration in your scoring both when you're going to  
call  
6 references out of the 254-255 --

7 MS. NOEL: No.

8 UNIDENTIFIED SPEAKER: -- as well, or just  
--

9 MS. NOEL: L.8.

10 UNIDENTIFIED SPEAKER: Just L.8?

11 MS. NOEL: Yes.

12 MS. BADOCCIUS: You don't look comfortable  
with  
13 that.

14 MS. NOEL: He didn't like that answer.

15 UNIDENTIFIED SPEAKER: Well, I guess the  
issue  
16 is is that you guys are going to see different projects  
in  
17 both, so I --

18 MS. NOEL: If we have 10 projects that you  
19 sound wonderful on, do you really want us to go for 15?  
If  
20 you're wonderful, you're wonderful. If you're really  
good,  
21 you're really good. You know, how many times do we have  
to  
22 hear it to know?

23 UNIDENTIFIED SPEAKER: Lots.

24 UNIDENTIFIED SPEAKER: Are you going to  
25 reserve the right to call people on your 254 block,  
Block 8?

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1 MS. NOEL: At this point, I do not intend  
to.

2 MR. KALWEI: But it's a free country.

3 MS. NOEL: And I'm a woman. I've got the  
4 right to change my mind. So you'll never know.

5 UNIDENTIFIED SPEAKER: Good.

6 UNIDENTIFIED SPEAKER: You implied, I  
think,

7 that some program management type costs would be covered  
8 under the fixed rate.

9 Does that mean that you do not anticipate a  
10 program management task order at all?

11 MS. NOEL: Exactly, no task order. Program  
12 management will invisible in this contract. There will  
be

13 no separation out. There will be no task order. There  
will

14 be no task.

15 UNIDENTIFIED SPEAKER: Some of those  
elements

16 of the scope are -- or some of those program management  
17 elements are still in the scope work.

18 MS. BAGOCIUS: Those elements, though, are  
for  
19 a particular project, not for program management of the  
20 entire contract. And that is why -- that is what we're  
21 going up into the fixed rates.

22 MS. NOEL: So that could be project  
management  
23 that may be a direct cost.

24 MR. KALWEI: I think we wound down.

25 MS. NOEL: Yes. Last chance. Does anyone

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1 have any other comments or anything --

2 MS. BAGOCIUS: Suggestions.

3 MS. NOEL: -- regarding the solicitation  
that

4 you might want to bring to our attention?

5 MR. KALWEI: You know, one of the things  
that

6 we started off when we started putting the solicitations  
7 together and formulizing this concept altogether was  
trying

8 to do it faster, cheaper, and better, and some of you all  
9 out there we have talked to, and hopefully taken some of  
10 your better ideas.

11 If you have some ideas still that we could  
12 streamline the process, make it better, make a better  
13 contract, a cheaper contract, this is your tax dollars  
that

14 we're spending, and we want to do the best job we can, so  
15 we're open for suggestions. We won't guarantee we'll  
follow

16 them, but we're open to them.

17 Do you have another question?

18 UNIDENTIFIED SPEAKER: I do. Back to L.8,  
19 most Federal Agencies usually want this like 10 days  
after  
20 the RRP is out. And you may have answered this  
already. So  
21 that we can submit this prior to our other submittal, the  
22 254-255 submittal --

23 MS. NOEL: You may.

24 UNIDENTIFIED SPEAKER: As soon as possible;  
25 Do you guys want that as soon as possible?

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1 MS. NOEL: Whenever you're comfortable  
getting

2 that to me.

3 UNIDENTIFIED SPEAKER: It seems like 100  
4 projects though. There's going to be a lot reading.

5 MS. NOEL: And I'm going to be doing a lot  
of

6 calling.

7 UNIDENTIFIED SPEAKER: I have another  
question

8 about program management. Currently on the START  
contract,

9 we do a lot of tracking of cost tracks for all these

10 different codes that come from EPA.

11 Do you do that on the RAC contract? Is that  
going

12 to be an element of what needs to be done?

13 MS. BAGOCIUS: Well, the reports of work  
was

14 significantly streamlined from the previous one, and the

15 reason why we were allowed to do that is because the  
reports

16 of work was initially crafted because we were getting

17 scrutiny from Congress on actually program management.  
But,

18 anyway, that's been resolved and -- what was your  
question

19 again?

20 MS. NOEL: Well, we're going to be using  
site

21 specific monies.

22 MS. BAGOCIUS: Oh, yes, the projects will  
be

23 site specifically funded, so if you look at the way the

24 reports of work is set up, you don't have to craft the

25 funding on the contracts because we do now -- that's our

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1 job. We track the types of funding, the obligations, and  
2 how we're going to pay them out.

3 The current RAC contract right now does that  
for  
4 us. But that's really for us to be doing. So that's no  
5 longer a requirement in reports of work.

6 What you will be tracking are the ceilings and  
7 what your limitations are on the ceilings for each task  
8 order and making sure you're not going over those.

9 MS. NOEL: One of the differences that on  
the  
10 current RAC's contract, being a cost type using work  
11 assignments, the funding was done at the contract level,  
and  
12 it was really just kind of allocated out to these work  
13 assignments.

14 Task orders are individual stand-alone  
contracts,  
15 and all funding will be on those task orders. It's not  
16 going to be on the contract. So all these allocations  
and  
17 different things go away.

18 UNIDENTIFIED SPEAKER: Great.

19 UNIDENTIFIED SPEAKER: Can you give us a  
sense

20 of the range of size task orders that we can look at?

21 MS. BAGOCIUS: Boy, they range anywhere  
from

22 25-- do you mean a dollar amount --

23 UNIDENTIFIED SPEAKER: Uhm-hmm.

24 MS. BAGOCIUS: -- or LOE or -- we're not  
doing

25 LOE but --

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1 UNIDENTIFIED SPEAKER: Dollar.

2 MS. BAGOCIUS: Oh, dollar amount. I mean  
the

3 current RAC contract has anywhere from a \$25,000 work  
4 assignment to a \$9 million work assignment. And it just  
5 depends on the type of work. It depends on the site and  
6 what we need.

7 MR. KALWEI: I think that \$9 million one is  
8 for remedial action, I would think.

9 MS. BAGOCIUS: Well, the \$9 million one was  
10 for the Coeur D'Alene RI/FS site. You know, generally,  
most  
11 of them run between 100,000, maybe 150,000 to 500,000,  
and  
12 then the rest fall out by the ranks.

13 UNIDENTIFIED SPEAKER: Good. Thank you.

14 MS. NOEL: Going once. We do have 20 more  
15 minutes that we have this room, if you have anything.

16 UNIDENTIFIED SPEAKER: Do you perceive any  
17 circumstances that will allow the submittal dates to  
slide?

18 MS. NOEL: The what dates?

19 UNIDENTIFIED SPEAKER: Submittal.

20 MS. NOEL: The submittal dates, no. We're

21 really doing this for you. We want to have it so that  
your

22 Christmas holidays are happy and proposal-free. So, no.

23 Anything else?

24 UNIDENTIFIED SPEAKER: Is there a markup

25 allowed on ODCs?

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1 MS. NOEL: If you have a regular G&A charge  
2 that would be applicable according to your established  
3 accounting procedures, then that would be allowed.  
4 Otherwise, it's at cost.

5

6 \* \* \* \* \*

7 C\_L\_O\_S\_I\_N\_G\_\_C\_O\_M\_M\_E\_N\_T\_S

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8 MS. BAGOCIUS: Anyone else?

9 THE AUDIENCE: (No response.)

10 MS. BAGOCIUS: Well, we'll stick around  
until

11 3:00, if anyone wants to ask us --

12 MR. KALWEI: Make sure and give us business

13 cards so we can get the roster out to you quickly.

14 MS. NOEL: Yes. If you want a roster,  
that's

15 how you're going to get it.

16 MR. KALWEI: And I appreciate all you  
coming

17 out today.

18 MS. NOEL: Thanks for the interest.

19 MS. BAGOCIUS: Thank you.

20 (The proceedings concluded

21 at 2:42 p.m.)

22

23

24

25

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) ss

5 I, PAULA SOMERS, a duly authorized Notary  
Public

7 this is a true transcript of the Preproposal Conference  
8 regarding Architect and Engineering Services Contract  
9 (RAC II); that the said proceedings were recorded in  
10 shorthand and later reduced to typewriting; and that the  
11 above and foregoing is a true and correct transcript of  
said  
12 proceedings.

15 employee of, or counsel for either of said parties or  
16 otherwise interested in the event of said proceedings.

18 I HAVE HEREUNTO set my hand and affixed by

19      official seal this 22nd day of October, 2002.

20

21

22

---

23                      Paula Somers, CSR  
24                      NOTARY PUBLIC in and for the  
25                      State of Washington, residing

at

Renton.

25                      My commission expires 9/29/03.

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